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From the Editor:

In this issue . . .

ERIC A. NORDLINGER offers a realist interpretation of past and current developments in Soviet-American relations that underscore the prospects of a near-term reconciliation. He identifies the most important policy change that would maximize the likelihood of a superpower reconciliation and the several paths leading to its realization.

MICHAEL LIPSKY and MARK A. THIBODEAU analyze the federal policy of hunger relief through surplus food distribution. They discuss its impact on hunger and on the organizations responsible for distribution, on fairness in distribution, and on Reagan administration efforts to give away food.

JOHN ORME considers why liberalization by authoritarian governments succeeds or fails, comparing Spain, Hungary, Brazil, and Iran.

MICHAEL NELSON reassesses President Franklin Delano Roosevelt's Court-packing plan of 1937 as a case study of the theory of presidential power. He concludes that Roosevelt had two better alternatives in his effort to influence the Supreme Court.

GIL LOESCHER examines the situation of refugees in Central America. He demonstrates that the treatment of refugees is intensely political and concludes that only the return of peace and stability to the region will ensure their protection.

GARY L. GUERTNER examines the charges of Soviet noncompliance with arms control agreements. The Soviet record is assessed against three competing images—deliberate cheating; bureaucratic politics and organizational routines; and conflicting interpretations of treaty obligations.

WALTER I. TRATTNER rebuts the notion that it was only during the Great Depression of the 1930s that the federal government began an active role in social welfare. He shows that throughout the nineteenth century, the federal government played a significant role in helping the nation's dependent and that the failure to understand the historical role of government in social policy is helping to foster erroneous conclusions regarding its proper role today.

DEMETRIOS CARALEY

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Prospects and Policies for Soviet-American Reconciliation

ERIC A. NORDLINGER

What does the near-term future of Soviet-American relations hold in store? If asked about the next five to ten years, many if not most government officials, foreign policy elites, and academic experts in the United States and Western Europe would presumably point to continued cold war. Among those who envisage a new era in superpower relations, most would probably focus upon Mikhail Gorbachev's leadership, the Soviet regime's new political openness (*glasnost*) and economic restructuring (*perestroika*), and the superpowers' mutual security interests. This article diverges from both interpretations. In suggesting that a near-term end of the cold war is decidedly plausible, it does not rely upon personalities, *glasnost*, and only marginally upon *perestroika*. It accords equal attention to the United States and stresses each state's recognition of its limits and limitations more than their shared security concerns.

If the cold war does end, it will almost surely be replaced by a Soviet-American reconciliation, referring to a relationship *and* its underlying rationale. As a relationship, reconciliation features mutual acceptance, shared restraints, and an acknowledgment of one another's security concerns and central interests. The superpowers would continue to emphasize their very different global visions, but Third World competition would be markedly limited in scope and intensity, at a minimum obviating instances of coercive deterrence and compellence. In the absence of forceful superpower intrusions, both states would acknowledge that they can live with most outcomes resulting from the interplay of regional and local

ERIC A. NORDLINGER is professor of political science at Brown University, associate of its Center for Foreign Policy Development, and associate at the Center for International Affairs, Harvard University. He is the author of several books, including *Soldiers in Politics: Military Coups and Governments* and *On the Autonomy of the Democratic State.*

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forces, concomitantly mitigating the need for credibility-bolstering actions. A reconciliation would certainly not mean disengagement or the end of class struggle, internally or internationally, but it would exclude attempts to "export revolutions" and "counterrevolution." These understandings would emerge via explicit signalling, implicit bargaining, private clarifications, narrowly circumscribed agreements, and occasional consultations prompted by potentially inflammatory events. As the problems of using nuclear arsenals for extended deterrence and coercive diplomacy recede, the much simpler requirements of basic deterrence will be met without either side striving for a strategic advantage, offensively or defensively. Major, perhaps across the board, stabilizing reductions and reconfigurations of strategic weaponry would be worked out without prompting a modernization race. Some confidence-building measures would be implemented in Europe, including a reduction in conventional forces and a defensive Warsaw Pact posture.

The underlying rationale for a reconciliation would include shared interests and distinctly national ones. At least as important, the relationship would derive from a markedly greater appreciation of this strategic rationale: the active pursuit of international ideals, expansive aspirations, and ambitious unilateral security goals are to be reconciled with real constraints via a keen appreciation of manifold limits and limitations. Transcending these constraints is seen to be variously impossible, unnecessary, overly risky, and counterproductive. Each state would reconcile itself to the limits of its own capacities and to the limitations on their effectiveness imposed by international realities.

It is this strategic rationale of limits and limitations that distinguishes a superpower reconciliation from an alternative cold-war ending. An "era of (reasonably) good feelings" would be characterized by a generally amicable, trusting relationship based upon a set of corresponding values and beliefs and a range of shared interests that could extend beyond common security concerns to the global dimensions of ecological, health, and other issues. It is difficult to imagine how such good feelings could develop.

A reconciliation would also differ markedly from détente, even leaving aside its short duration. With the exception of the Antiballistic Missile (ABM) Treaty, the Strategic Arms Limitation Treaty (SALT) agreements entailed high ceilings that allowed for competitive modernization. Mutual restraints in the Third World were largely confined to vague rhetoric and the barely acknowledged Basic Principles Agreement, with the Soviets claiming "equal rights to meddle" and the United States maintaining its own "unilateral advantages." Underlying détente as a relationship, there was a barely discernible recognition of limits and limitations. Indeed, the Soviet Union thought that nuclear equality and growing power-projection capabilities would translate into successful support for national liberation movements, and the United States expected much of strategic and economic linkage in containing the Soviets.

Peering into the future is a patently problematic enterprise, all the more so when it involves a prediction of likely changes within two states, by two states, and in the relations of two states. On the other hand, a good deal of foreign policy is

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made with at least implicit visions of the future in mind, these usually being biased in favor of a replication of the past and present. This article should certainly not be read as a confident prognostication. There is the power of the cold-war past as it conditions the future and too many unforeseeable developments to sustain such a claim. Based upon what is at least partly discernible, this article's primary aim is that of sharply qualifying expectations about the cold war's perseverance by making a realist case on behalf of a near-term reconciliation. In doing so, this admittedly ambitious claim will be ventured: a Soviet-American reconciliation is not just distinctly possible, it is at least as probable as is continued cold war. The underlying analysis also serves as an explanation for a reconciliation if it were to emerge.

Any assessment of the future must confront forty years of cold war. The following section suggests that this singular historical fact hardly rules out a near-term ending, for the severity of the cold war has declined sharply. The next part deals with Moscow's expansionist goals. Their translation into unacceptable incursions is likely to be curbed due to Soviet learning of limits and limitations. When trying to discern the future, all the major sign-posts rarely point in a similar direction. Yet two seemingly important deviations turn out to be supportive ones. In part four, the Reagan administration's cold-war posture is shown to have heightened the prospects of a reconciliation by helping to engender an American acceptance of limits and limitations. Détente's short life span also appears to negate the prospects of a reconciliation. Part five suggests that its collapse was hardly surprising given the decidedly unpromising (but now very different) conditions under which it was tried; and its demise has taught both states certain lessons about limits and limitations that augur well for a reconciliation.[1] Section six deals with the superpowers' concerns and interests that incline them toward a reconciliation. The final section addresses the changes in U.S. policy that would further improve the prospects of a reconciliation.

The Sharp Decline in Cold War's Severity

The reasons for thinking that the cold war will continue are to be found in some combination of the ambitious goals, insecurities, distrust, ideological hostility,

[1] Much of parts three, four, and five are based on the premise that states often learn from experience and newly acquired information. As used here, learning refers to cognitive changes in beliefs about the world and about the connections between means and ends—a subjective phenomenon to be distinguished from the behavior that is often, but not invariably shaped by it. Learning is all too easily conflated with "correct" beliefs, those that accord with the observer's picture of reality or those that produce effective policy. Neither implication is intended here. For an assessment of learning on the part of the individuals who shape or make public policy, see Lloyd Etheredge, *Can Governments Learn?* (New York: Pergammon Press, 1985). The learning concept is applied to recent Soviet-American relations in Joseph S. Nye, Jr., "Nuclear Learning and U.S.-Soviet Security Regimes," *International Organization* 41 (Summer 1987).

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and conflicting interests that have powered it for forty years.[2] Yet there has been a basic, several-sided change: the cold war has become considerably less conflictual and intense—and this despite its resurgence in the early 1980s.

The cold war's severity can be gauged in some diverse ways that conform to generalized thinking about internal and international conflict: the number of vitriolic condemnations of the other state's actions and unflattering characterizations of its institutions; whether there are highly optimistic expectations regarding some major, near-term gain or pronounced fears of a security deflation; the number and consequentiality of negotiated agreements that both states adhere to; the size of defense budgets in absolute terms and relative to gross national product (GNP); the intrinsic and strategic importance of the conflict issues and whether they involve the central interests of one or both superpowers; the frequency with which they become involved in crises and near crises; and the number of times that nuclear actions are contemplated and the weapons are used to signal deterrent and coercive threats.

A clear pattern emerges when these dimensions are used to compare what are commonly taken to be the two major periods of the cold war—from its origins to 1965 and from then to the present. Its severity has declined sharply. And this despite recent talk of the "evil empire," intensified Soviet security fears in 1981–1983, and the fraying of the SALT II and ABM treaties. The decline has occurred on all but one of the seven measures. And the single exception of military expenditures does not deviate entirely, since American defense spending as a proportion of gross domestic product (GDP) has been lower (by about half) during the later period.[3] Of these diverse measures, the three that were listed last are undoubtedly the most direct and consequential manifestations of the cold war's severity.

Before 1965 the stakes at issue were of far greater intrinsic and strategic importance to the U.S. *and* the Soviet Union. They involved the security of East and West Europe, the future status of the two Germanies, Austria, Greece, Turkey, Iran, China, and Indochina. All but the last was settled by 1965; only the future of Iran has become a potential issue since then. In Europe, which is the overriding interest for America and Russia, both have accepted its division and one another's spheres of influence; both are content with the divided, non-nuclear status of the two Germanies and the anomalous position of West Berlin. Since 1965 almost all the stakes have been limited to the Third World. Although a few were hardly inconsequential, taken together they have been intrinsically and strategically much less important than those that were at risk up to 1965. And while most of the earlier stakes were about equally consequential for America and Russia, almost all

[2] For an inclusive, more detailed list, see Stanley Hoffmann, *Janus and Minerva: Essays in the Theory and Practice of International Politics* (Boulder, Colo.: Westview Press, 1987), 132.

[3] Caspar W. Weinberger, *Annual Report to the Congress for Fiscal Year 1988* (Washington, D.C.: Department of Defense, 1987), 327, Table 3; Jeffery Record, *Revising U.S. Military Strategy: Tailoring Means to Ends* (Washington, D.C.: Pergammon-Brassey's, 1984), 100, appendix B.

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the later ones were characterized by an imbalance in their importance and thus conflictually less weighty.

Between 1945 and 1965 the United States and the Soviet Union were involved in a handful of crises: three times in Berlin, twice in the Middle East, and once each in Korea and Cuba. Since 1965 there has only been one near-crisis. Toward the end of the 1973 Mideast War, the Israelis ignored the superpowers' agreed-upon terms. Moscow then indicated that it would send troops into the area unless the Israelis halted their attack upon the encircled Egyptian army, and the United States responded by raising the Strategic Air Command's (SAC) alert status. In the many other instances of clashing interests, the superpowers did not come close to becoming involved in a crisis.

During the earlier period the United States contemplated the use of nuclear weapons and used them to signal specific deterrent and coercive threats on several occasions. In 1953, after the Korean armistice negotiations had stalled, the threat of a nuclear attack against China and North Korea was used to bring them to a conclusion. In 1954 the United States considered the use of tactical nuclear weapons to relieve the French garrison at Dienbienphu in Indochina. In 1955 and 1958 nuclear signaling was intended to dissuade China from assaulting the offshore islands of Quemoy and Matsu. During the 1956 Suez crisis and the Lebanese action in 1958, movements of U.S. strategic forces were used to communicate a deterrent threat to Moscow.[4] Although almost certainly bluffing, the Soviets threatened nuclear action after the most dangerous moments of the Suez crisis and the 1958 flareup in the Taiwan Straits had passed. In 1962 they directly challenged the United States by deploying intermediate-range missiles in Cuba.

At most, there have been three comparable instances since 1965, including the heightening of SAC's alert status in 1973. In 1969 Russia contemplated a nuclear attack against China's emergent strategic force. But this is not a direct indication of the severity of Soviet-American relations. In fact, Moscow signalled Washington, and perhaps did not act because of the negative response. Prompted by the invasion of Afghanistan, the Carter Doctrine raised the spectre of nuclear weapons, but only in allowing for their use in response to some possible, unspecified Soviet actions in the Middle East.[5]

In and of itself, this major transition in the cold war's severity is not evidence

[4] John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy* (New York: Oxford University Press, 1982), 168–173; Barry Blechman and Stephen S. Kaplan, *Force without War: U.S. Armed Forces as a Political Instrument* (Washington, D.C.: Brookings Institution, 1978), 47–49; Richard K. Betts, *Nuclear Blackmail and Nuclear Balance* (Washington, D.C.: Brookings Institution, 1987), 22–131.

[5] What is and is not to be included in a list of actual and contemplated nuclear actions is obviously open to differing interpretations. American reactions to the confrontations over Berlin in 1948, 1959, and 1961 could be included in such a list, as in Betts, *Nuclear Blackmail*, 23–31, 83–109. And as just suggested, the criteria should be tightened to exclude the possible Soviet attack upon China and the Carter Doctrine. Without putting too fine a point on it, the difference between the pre- and post-1965 period would then be a truly remarkable one of 9 to 1.

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of a near-term reconciliation. But it does temper the expectation that it will continue. More important, the decline means that the conflicting interests, insecurities, hostility, and bi-polar imperatives that have variously powered the cold war have subsided significantly. A recognition of limits and limitations has restrained their translation into actions, or both.

Soviet Recognition of Limits and Limitations

Over the last thirty years Soviet leaders have acknowledged a remarkable downturn in their future expectations and a contraction in the means for achieving their goals. From the mid-1950s to the mid-1960s Soviet expectations were not only triumphal ones: "We will bury you." They were to be realized in the ideological, military, political, and economic realms. During the early 1970s optimistic, but significantly less encompassing prognostications were still the order of the day, highlighted by the announcement of a historic shift in the "correlation of forces." The time frame within which Soviet advances were to be made was prolonged, and during Leonid Brezhnev's last few years, believably confident claims gave way to *pro forma*, possibly cynical reiterations of Marxist-Leninist dogma. In the early 1980s, Yuri Andropov announced a curtailment of support for socialist aspirants in the Third World. By now, predictions of anything like the foreseeable "victory of socialism" are heavily diluted. Gorbachev even introduced a conditional element, a problematic contingency at that, when he said that unless there is economic "acceleration" at home the Soviet Union's global stature will be diminished. The program of the 27th Party Congress and Gorbachev's speech are notable both for their omission of the standard, boastful promises of support for "national liberation" movements and the "liberated countries," and for the declaration that the Soviets "are firmly convinced that encouraging revolution from the outside, and doubly so by military means, is futile and inadmissible."[6]

Despite the programmatic importance of Moscow's pronouncements, this downward shift does not necessarily mean that the leadership will continue to harbor delimited expectations and goals. It prides itself on its patience in making temporary, tactical retreats in the face of superior power and is not averse to using conciliatory gestures to sow divisions in the West.[7] The meaning and future significance of the downward revision of expectations can best be assessed by examining the ways in which the Soviet Union has pursued its conflictual goals, their

[6] For references to party programs and leadership pronouncements that articulate the downward shift in Moscow's expectations, see George W. Breslauer, "Ideology and Learning in Soviet Third World Policy," *World Politics* 39 (April 1987): 429–433; Francis Fukuyama, "Gorbachev and the Third World," *Foreign Affairs* 64 (Spring 1986): 715–719; Lawrence Caldwell, "XXVII CPSU Congress: The Security Dimension," *East-West Outlook* 9 (May 1986).

[7] On these and related interpretive possibilities, see Breslauer, "Ideology and Learning"; and Fukuyama, "Gorbachev and the Third World."

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results, and the leadership's subsequent reactions, including its understandings of the conditions that account for the results. The Soviets relied upon some very different strategies for expanding their control and influence. Each was subsequently seen to be minimally effective at best. When outcomes are readily evident and the series forms a pattern, the corresponding lessons are likely to be reasonably well learned—specifically that the options for altering the status quo have been drastically curtailed in number and forcefulness. A reconciliation with the United States could then emerge from this new-found appreciation of limits and limitations.

Starting in the mid-1950s the Soviets mounted an ideological offensive with an impressive, globe-spanning propaganda machine that effectively exploited anti-imperialist and anticapitalist sentiments. Many in Europe found at least something to applaud in things Soviet, internal and external. Many former colonies expressed an affinity for the Soviet Union in their foreign policies, adopted a centralized planning model for their economies, and embraced a socialist political ideology. The Soviets came over to the side of the neutrals, lauding them as a "beneficial and positive" force, and including them in an "extensive zone of peace" along with the socialist countries. By the late 1950s the over-all strategy was proving so effective that Nikita Khrushchev announced a bandwagoning movement in enlisting Third World states as Soviet allies.[8]

The extent of these ideological-propagandistic successes were more than matched by their reversal. The deflation of the Soviet image in Europe began with the crushing of the 1956 Hungarian revolution. By the mid 1970s the unimpressive electoral achievements of European Communist parties were as noticeable as the heretical distance that they put between themselves and Moscow. Within the Third World, the appearance of socialist unity suffered in the early 1960s, when China openly began to challenge the Soviets. As the post-independence euphoria waned, the unenviable record of Third World states in adhering to socialist political ideals and in relying upon economic planning models became widely evident. By the late 1970s Russia's slow economic growth culminated in a widening Soviet-American gap, followed by unflattering comparisons with the performance of such "underdeveloped" countries as Brazil and South Korea. The continuously expanding recognition of Russia, not as the fervent advocate of peace and socialism without a colonial history, but as just another great power with imperialist designs became widespread in the Moslem world with the Soviet invasion of Afghanistan. Currently, less than a dozen Third World regimes identify with the Soviet Union ideologically.

The Soviet Union has turned to confrontational tactics on several occasions. The Berlin blockade was followed by the saber rattling during the Suez crisis, the threats that brought on the Berlin crises of 1958–1961, and the emplacement of missiles in America's backyard. But instead of being conciliatory or backing off, the United States responded with firmness. Brezhnev might have thought that con-

[8] William Zimmerman, *Soviet Perspectives on International Relations, 1956–1967* (Princeton, N.J.: Princeton University Press, 1969), 253–254.

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frontational tactics could be resuscitated under the new umbrella of strategic parity. If so, that hope was punctured by the United States during the 1973 Mideast crisis.

Soviet behavior since then is indicative of a well learned lesson. On occasion it is possible to forge ahead, as in Angola and Afghanistan, when the United States does not signal its intentions to take consequential countermeasures. But when the United States does so, as it usually has, the Soviets can expect the United States to stand firm and an ensuing confrontation to be potentially dangerous. Since 1973 the United States sought to deter forceful Soviet actions in a disparate set of instances – over Poland, Libya, Ethiopia-Somalia, El Salvador, Nicaragua, and Afghanistan-Pakistan. Moscow did not cross the line by coming close to turning any of them into a confrontation with verbal threats, changes in force deployments or – to take a specific example – raising the spectre of establishing MIG bases in Nicaragua.

In the mid-1950s, Moscow began using material incentives to extend its influence in the Third World. But capital shortages severely restricted the size of grants and loans; the economy's autarkic features and shoddy manufactured goods largely precluded extensive trade relations and obviated any trade-based dependencies. The Soviet Union has just managed to stay the course in this regard. Third World trade with the Soviet Union is one-fifteenth of that conducted with the developed capitalist countries; and the latter's average annual aid contributions is about .33 per cent of GNP compared to .05 per cent of the much smaller Soviet GNP.[9] Russia's comparative advantage lay elsewhere.

In the 1970s Russia provided an enormous number of low-cost, attractively financed, reliable, and quickly obtainable weapons to some fifty states. At their 1980 highpoint, the Soviets delivered $8.1 billion in arms to the Third World and signed agreements for another $14.6 billion. In addition, eastern bloc military personnel were dispatched to serve as advisers, technicians, combat troops, and palace guards to ward off coup-minded opponents. Between 1970 and 1980 their number grew from 10,000 to 18,000 (and to 24,000 by 1985).[10] Besides a remarkable extension of the Soviet presence, these efforts were more or less instrumental in producing notable successes in Angola, Mozambique, South Yemen, Somalia, Ethiopia, and Nicaragua, which prompted a confident outlook about the effectiveness of low-cost, low-risk military assistance.

[9] Stephen T. Hosner and Thomas W. Wolfe, *Soviet Policy and Practice toward Third World Conflicts* (Lexington, Mass.: D.C. Heath, 1983), 11-78; Carol R. Saivetz and Sylvia Woodby, *Soviet-Third World Relations* (Boulder, Colo.: Westview Press, 1985), 134-147; Robert H. Donaldson, "The Second World, the Third World, and the New International Economic Order" in Robert H. Donaldson, ed., *The Soviet Union in the Third World: Successes and Failures* (Boulder, Colo.: Westview Press, 1981), 358-383.

[10] Roger F. Pajak, "The Effectiveness of Soviet Arms Aid Diplomacy in the Third World" in Donaldson, ed., *Soviet Union*, 384-408; Mark N. Kramer, "Soviet Arms Transfers to the Third World," *Problems of Communism* 36 (September-October 1987); *Discriminate Deterrence*, the Report of the Commission on Integrated Long-Term Strategy (Washington, D.C.: January 1988), 19.

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These confident expectations were soon deflated. Soviet losses and rejections during the 1970s—in Egypt (1972 and 1976), the Sudan, Somalia, Uganda, Equatorial Guinea, Guinea-Bissau, Chile, *and* Afghanistan—were at least as impressive as Soviet gains. According to one admittedly biased source, the total number of countries in which Moscow enjoyed a position of control or substantial influence did not increase between 1970 and 1979.[11] More important, military and economic assistance to numerous friendly regimes rarely made for Soviet influence or leverage.[12] Despite the exceptionally heavy Soviet investment in Angola, for example, Angola has maintained economic ties with the West, declined to enmesh its economy with the East, and refused base rights to the Soviet navy. Outside of East Europe, Moscow's considerable leverage is limited to Cuba, Vietnam, Mongolia, and perhaps Cambodia, Laos, Ethiopia, and South Yemen. Beyond them, it is difficult to identify a single instance in which Moscow prevailed on a major internal or external issue; diplomatic support at the United Nations and restraint in condemning the invasion of Afghanistan are not major issues. Among the many countries with which the Soviets became involved since 1970, only Ethiopia has decisively taken and stayed on the "socialist path to development."

Soviet disenchantment could well be much deeper than in the past. Not only did these setbacks and limitations appear in the train of several others. Those of the 1970s were especially telling, since these were exceptionally propitious years for the realization of Soviet ambitions, featuring the achievement of strategic parity, the creation of power projection forces, America's self-imposed interventionist restrictions, and the 1973–1974 oil shock that underscored the decline of U.S. global reach. When Soviet advances are limited under these highly favorable and unusual conditions, the appropriate lessons have presumably been well learned.

Disillusionment with Third World developments has been voiced by high party officials, the military, and scholarly experts since the late 1970s.[13] "Progressive" military regimes, "socialist oriented" states, and overtly Marxist ones are not viewed as ideologically committed or stable enough to make the transition to socialism within the foreseeable future. Marxist-Leninist parties are no longer confidently thought to be a durable basis for the extension and consolidation of Soviet in-

[11] "Soviet Geopolitical Momentum: Trends of Soviet Influence Around the World from 1945 to 1980," *Defense Monitor* 11 (January 1980).

[12] For a review of the various studies that find Soviet influence to be distinctly circumscribed, see Joseph L. Nogee, "The Soviet Union in the Third World: Successes and Failures" in Donaldson, ed., *Soviet Union*, 438–451. This conclusion is updated in Rajan Menon, "Soviet Arms Transfers to the Third World," *Journal of International Affairs* 40 (Summer 1986).

[13] S. Neil MacFarlane, *Superpower Rivalry and 3rd World Radicalism: The Idea of National Liberation* (London: Croom Helm, 1985); Mark N. Katz, *The Third World in Soviet Military Thought* (Baltimore: The Johns Hopkins University Press, 1982); Jerry F. Hough, *The Struggle for the Third World: Soviet Debates and American Options* (Washington, D.C.: Brookings Institution, 1986); Elizabeth Kridl Valkenier, "Revolutionary Change in the Third World: Recent Soviet Reassessments," *World Politics* 38 (April 1986); Francis Fukuyama, *Moscow's Post-Brezhnev Reassessment of the Third World* (Santa Monica, Calif.: The Rand Corporation, 1986).

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fluence. Even the hegemony of Leninist "vanguard" parties is only a "prerequisite" for the realization of these internal and external goals. The prospects for gaining additional allies have been minimized, and current ones are seen to be less than reliable, with Russia being opportunistically exploited by some. The constraints upon Soviet influence and socialist development are explained not just by neocolonial dependencies and imperialist-backed wars in Afghanistan, Angola, Mozambique, and Nicaragua; they are also attributed to nationalist, ethnic, and religious identities that are expected to endure. There is also a growing concern about the affordability of military and economic assistance, the cost of the extended empire having more than doubled during the 1970s. And since the collapse of détente, an activist strategy has been seen to jeopardize its remnants and risk confrontations with the United States. It is this kind of new thinking, which took shape well before Gorbachev's ascension, that goes a long way in explaining his declaration that the Soviets "are firmly convinced that encouraging revolution from the outside, and doubly so by military means, is futile and inadmissible."

The current strategy derives from this deeply etched recognition of distinctly limited, less than effective means for promoting international socialism. One tack involves a holding operation. Overall military and economic assistance to Third World allies has been maintained and increased for some clients, notably Syria, Angola, North Korea, and Vietnam. Total arms transfers to the Third World have declined over the last few years, and naval port calls are down sharply since 1985.[14]

The other tack, initiated in 1985, leads toward the establishment of friendly relations with influential nationalist regimes, such as those in Mexico, Brazil, Saudi Arabia, Kuwait, Morocco, Indonesia, and Thailand. They have been courted with trade agreements, cultural exchanges, high level visits, and effusive commendations so as to gain diplomatic support, put a greater distance between these countries and the United States, and influence regional conflicts. Bilateral relations can be warmed up, but beyond that the prognosis is not encouraging. The absence of tangible results to date;[15] the little that Moscow can offer these regimes, which do not need military aid; the pervasive mistrust of the Soviet Union and its unpalatable involvements in Afghanistan, Cuba, and Vietnam—all militate against the establishment of close relations that can be turned into palpable advantages.

The maintenance of the outer empire and the courting of regional influentials that will undoubtedly continue for some time are not only consonant with a su-

[14] U.S. Joint Chiefs of Staff, "The U.S. Military Posture," Washington, D.C., February 1987; U.S. Office of Naval Intelligence, "The Soviet Navy in 1986," *U.S. Naval Institute Proceedings*, Washington, D.C., April 1987. The decline in arms sales is largely due to the depletion of Third World treasuries.

[15] A telling example is that of Soviet-Indian relations, which Moscow has often referred to as a model for its dealings with nationalist regimes, and with India receiving more attention than any other Third World state since Gorbachev's ascension. Yet India has continued to refuse basing rights for the Soviet navy and has shown itself to be independent in political and economic dealings with other countries. Francis Fukuyama, "The Tenth Period of Soviet Third World Policy," paper delivered at the national security conference held by the Center for International Affairs, Harvard University, June 1987, 8, 11–12.

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perpower reconciliation. The diplomatic quest is a significant step toward a reconciliation, since it eschews the forceful and intrusive means that are unacceptable to the United States. And aiming to resuscitate its international image and appeal, Moscow has a strong incentive to desist from the actions that would derail its courting efforts and an emerging reconciliation.

Beyond the immediate future, will the Soviets turn to overly intrusive and forceful means with the appearance of seemingly inviting opportunities? After unsuccessfully pursuing expansionist goals by relying on ideology, propaganda, economic incentives, confrontational tactics, and extensive military support, the leadership may well have learned about limits and limitations. The Soviets themselves have not forecast any future changes that would improve their prospects.[16] The great opportunities of the 1950s and 1970s are not about to reappear, except via a possible global recession. Except for the Soviets' occasionally crude, domineering, bilateral style, the conditions that made for past failures are not about to change significantly. Nor do the Soviets have any options other than those that have already proved wanting, except for direct military intervention that has (with one exception) been eschewed for security, political, and economic reasons. The difficulties encountered in Afghanistan—where nine years of warfare failed to produce a victory in a small country on the Soviet border—adds a military dimension. The current withdrawal and impending establishment of a neutralist government in Kabul would constitute a delimitation of the Brezhnev doctrine.

Although not nearly as deeply and clearly etched, there is the other side of the proverbial coin. The Gorbachev regime would not just survive, it would thrive. The Soviet Union's image would be refurbished and its appeal somehow exploited, with the United States necessarily doing its inadvertent part to make this happen. Over the next five to ten years, economic restructuring would be much amplified, eventuating in respectable rates of sustained growth. Such developments would certainly enhance the leadership's confidence, alleviate some objective constraints, and thus tempt it to shed its recent restraints.

But even this exceptionally optimistic Soviet scenario would not readily negate a reconciliation. If the United States adopts a reconciliatory posture, extensive Soviet involvements in less than vital regional issues would not be viewed as impingements upon its security, while a modified containment strategy would continue to deter overly intrusive and forceful actions. Insofar as Soviet interests are well served by a reconciliation, and Moscow remains convinced of the American commitment to linkage, the Soviets would be disinclined to act upon unacceptable temptations. The next three sections speak to these eventualities in the course of discussing some other issues.

America's Receptiveness

Over-all, the surface and substance of the Reagan administration's record is not indicative of a near-term reconciliation. Yet despite and because of its variously

[16] See the studies cited in footnote 13 above.

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muscular, assertive, and occasionally belligerent stances, it has helped move the United States toward an acceptance of the limits and limitations underlying a reconciliation.

Only a subjectively secure America would be prepared to accept a superpower reconciliation. An America that sees itself as weak would not recognize Soviet constraints, including those that the Russians themselves have accepted, and would almost surely undertake a concerted national security effort. A country that came close to self-flagellation for its perceived decline during the late 1970s was barely willing to conceive of a reconciliation. Having come to power in the course of excoriating America's muscular atrophy, the Reagan administrations's arms build-up, assertiveness toward the Soviets, and the "standing tall," "getting tough" rhetoric quickly restored the country's confidence and self-respect. Its central interests (and most of its secondary ones) are no longer seen to be at risk; Russia is not currently viewed as an inordinately threatening adversary. According to a 1986 opinion survey, the new national confidence deriving from the perception that the United States is at least as powerful as its rival has "contributed to some increase in the already strong public support for cooperative relations with the Soviet Union."[17]

Current arms control efforts are not solely attributable to the attainment of a U.S. "position of strength." The negative reactions to an overbearing nuclear posture were also important. The administration's references to contingency plans for fighting a protracted nuclear war and "prevailing" at its conclusion, along with several years of studied indifference to Moscow's not unreasonable negotiating proposals, elicited something of a public outcry, widespread concerns about nuclear war, and considerable support for a verifiable nuclear freeze. These reactions to an assertive nuclear posture will continue to remind politicians of what is and is not publicly acceptable.

On the conservative side of the political spectrum, there is a somewhat fuller appreciation of what cannot be accomplished by a cold-war strategy. The administration's aim of attaining escalation dominance gave way to the much more modest objective of achieving full equality. The Strategic Defense Initiative (SDI) is the only option for acquiring a major strategic advantage, yet some of its original supporters have come to doubt its operational effectiveness and the technical feasibility of a crash program of development and testing.[18] Some formerly avid advocates of rearmament are now wondering just how much additional military power and effectiveness have been obtained with $2 trillion defense expenditures. The employment of nuclear powered carriers with their dozen escort ships has encountered the criticism of otherwise sympathetic congressional leaders and defense ex-

[17] John E. Rielly, ed., *American Public Opinion and U.S. Foreign Policy 1987* (Chicago: Chicago Council on Foreign Relations, 1987), 6, 11-12, 15.

[18] William Perry, et al., "How to Proceed with SDI – Realistic Priorities," *The National Interest* 7 (Spring 1987): 68-75.

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perts: using them in wartime to attack Soviet naval forces in their home waters is a poor gamble; risking them in Third World trouble spots is disproportionate to the stakes.[19] Despite the Reagan Doctrine's moderate impact in Afghanistan, its unimpressive accomplishments in overthrowing or wearing down Marxist regimes in Nicaragua, Angola, and Mozambique have left few sympathetic experts who believe that arms shipments will prove to be telling.[20]

It is often said that hawkish presidents are well positioned to win support for policies of moderation, conciliation, or retrenchment. An administration that characterized the SALT II agreements as fatally flawed and reiterated charges of Soviet cheating has embraced the kind of proposals that have never before been seriously entertained by the superpowers – deep cuts in weaponry; the destruction of modern, recently deployed weapons; and on-site inspections. Even after discounting the utopian talk of eliminating nearly all offensive nuclear forces at the Iceland summit, this U-turn has resonated with the public and will leave a substantial residue, precisely because it was made by a generally tough-nosed administration.

President Reagan has invoked the security of the United States and its allies, the insidiousness of the Communist threat, the indivisibility of peace, the need to demonstrate resolve, and America's moral obligations in trying to resurrect widespread support for a quasi-global conception of American interests. Yet despite his exceptional skills and inordinately positive image, he has barely made any headway. In 1978, 1982, and 1986 the public was asked to rate the importance of these foreign policy goals: containing Communism, defending the security of U.S. allies, and protecting weaker nations against foreign aggression. The proportion of respondents replying that these goals were "very important" decreased marginally with respect to two of them and increased slightly on the other. The public's sense of limits and limitations also made it largely resistant to the "great communicator's" appeals on behalf of the Reagan Doctrine. In 1986, prior to the decline in his standing, only 30 percent favored the U.S. "helping to bring a democratic form of government to other nations," and 24 percent supported military aid for opponents of Marxist regimes in Nicaragua, Angola, and Afghanistan.[21]

The 20 to 30 percent of "semi-isolationist" opinion had until recently been limited to the poorer, less educated strata. It has been deepened, moved upwards on the

[19] "Reagan's Military: Billions, Billions Everywhere, But Not that Much to Show," *Insight: The Washington Times*, 9 March 1987, 8–14.

[20] Samuel P. Huntington, "Patterns of Intervention: America and the Soviets in the Third World," *The National Interest* 7 (Spring 1987): 46–47; Robert W. Tucker, *Intervention and the Reagan Doctrine* (New York: The Council on Religion and International Affairs, 1985), 9. However, Huntington is one of the authors of *Discriminate Deterrence*, which recommends U.S. support for some anti-Communist insurgencies.

[21] Ole R. Holsti "Public Opinion and Containment" in Terry L. Deibel and John Lewis Gaddis, eds., *Containment: Concept and Policy*, vol. I (Washington, D.C.: National Defense University Press, 1986), 87–89; Rielly, *American Public Opinion*, 12–13, 36.

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social scale, and gained in political sophistication with the appearance of a small current of comparable views among foreign policy elites on the left and right. One opinion analyst even claims that "semi-isolationism has achieved a position of respectability probably not seen since before Pearl Harbor."[22] And this is largely attributable to developments that are more or less directly related to the administration's foreign policies. The reactions include serious misgivings about defense-related budget deficits, the foreign debt, and the balance of payments deficit, as well as resentment toward allies who have not fully supported administration policies and decisions—on free trade and unfair trade practices, the installation of intermediate-range weapons, the protection of oil tankers in the Persian Gulf, antiterrorist efforts, the bombing of Libya, restricting exports to the Soviet Union, and assistance to the contras. The semi-isolationist delimitation of American exertions in the East-West conflict has thus become more prominent as administration policies have inadvertently fostered America-first sentiments and a more careful balancing of domestic and international priorities.

Looking into the near future, when these various reactions to the Reagan administration's style and policies are conjoined with Moscow's greatly circumscribed involvements in the Third World, a new political center may appear that subscribes to a substantial modification of quasi-global containment. Its location toward the mid-point of the left-right-isolationist policy triangle adds to the possibility of its becoming politically dominant. This emergent center adheres to what might be described as a policy of balanced or proportionate containment. The scope of U.S. commitments is to be approximately commensurate with the intrinsic value of the countries at risk; the scale of intervention is to be largely in accord with the calculated costs and risks; and the level of assistance for allies is to be minimally in accord with their cooperativeness in dealing with common security and economic problems. Balanced containment stands in contrast to the quasi-global variant that features a less than discriminating invocation of vital interests, prestige, and credibility in generating commitments; the ready acceptance of sizeable costs and risks in some interventions and the assumption that they will be decidedly minimal in others; and support for friendly regimes without consideration of their regard for American concerns.

Put most broadly, the emergent center supports a policy that is reconciled to America's own limits and external limitations—one that is distinctly supportive of a Soviet-American reconciliation. But even if this center does not become politically dominant, the various changes on the American side constitute a greater appreciation of limits and limitations; and they may well suffice if the Soviets continue to do their part.

[22] Holsti, "Public Opinion," 93. For a delineation of "semi-isolationist" opinion, see Ole R. Holsti and James N. Rosenau, *American Leadership in World Affairs: Vietnam and the Breakdown of Consensus* (Boston: Allen & Unwin, 1984).

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The Significance of Détente

Détente is the one approximation, albeit a dim one, of a superpower reconciliation. Its short life span and acrimonious demise are hardly suggestive of a near-term reconciliation. Yet two broad considerations suggest an alternative interpretation. First, superpower circumstances between 1968 and 1978 diverged markedly from what is possibly the most important prerequisite of a successful relationship—a stable distribution of power that is perceived as such. At the outset the United States was seen to be on a descending curve and the Soviets to be ascending; at the end their positions were nearly reversed. The U.S. decline set in as the Soviet Union caught up strategically and the Vietnam war was seen to be unwinnable, continuing into the early 1970s as internal divisions constricted America's global presence and the Arab embargo produced its oil shock. The American turn-around began in 1978 (as the defense build-up got underway) at precisely the time when the Soviets realized that they had peaked.

It is then no wonder that détente quickly fell apart in an acrimonious fashion. Not only was the balance changing, each state's perceived trajectory changed direction, thereby fostering high expectations and deep anxieties, a testing of limits and fears that they would not hold, recalculations of incentives and reassessments of dangers. What is thus striking about the Nixon-Kissinger strategy is not its supposed geopolitical realism, but its sheer ambitiousness. It would have been difficult enough to manage a rival that had just achieved strategic parity. To realize the overarching goals of détente and containment in the early 1970s, before the Soviet Union had peaked and while the United States was experiencing a dramatic descent, was inordinately problematic.

Present conditions, which approximate two plateaus, are far more conducive to the recognition of limits *and* for their mutually consistent acceptance. Russia's ascending strategic curve has leveled off since 1975, when the growth in defense expenditures was halved to about 2 percent annually.[23] America's has recently done so after achieving full parity. Third World boundaries have remained remarkably stable since 1980, more so than in any other period since 1945. Grenada is the only state to have changed sides.

The other basis for reinterpreting the significance of détente's demise has to do with learning. Its quick collapse is not especially surprising, because it was the first concerted, mutual attempt to ameliorate the long-standing conflict. A future attempt should be more successful insofar as some important lessons about limits and limitations have been learned from the first.

Détente's short life span is most immediately explained by the U.S. reaction to Russia's adventurism in Angola and Ethiopia most especially, with the invasion of Afghanistan putting the final nails into the coffin. It is here that the Soviets have most probably learned the major lesson of détente. Linkage is, if not an un-

[23] Joint Report to the Congress by the Central Intelligence Agency and the Defense Intelligence Agency, "The Soviet Economy under a New Leader," Washington, D.C., 19 March 1986.

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alterable reality, then an omnipresent probability given U.S. strategic premises and the ideological and moralistic features of American politics. For some ten years now, the Soviets have taken notice that they are on notice: they cannot do business as usual with the United States while opting for unacceptable means to alter the regional status quo. When tempting vulnerabilities appear, Moscow will know that substantial costs would almost certainly follow a forceful attempt to capitalize upon them, especially with a reconciliation in the offing.

Détente was also cut short by the United States in the belief that Russia significantly improved its strategic position while remaining within the SALT limits. The lesson is clear. The United States will only agree to arms control measures that leave the West in at least a position of full and explicit parity, some of them entailing asymmetrical reductions that require substantially more of the Soviets, as in the Intermediate Nuclear Force (INF) agreement. Even the appearance of America having let down its guard will be sharply minimized by avoiding flexible agreements that allow for increases in some strategic weapons and qualitative improvements or modernization in others. If a 50 percent reduction in strategic forces is negotiated, it will leave both armories right up against some closely defined subceilings that holds out the promise of an enduring reconciliation.

It is also reasonable to expect that a future reconciliation will not be oversold—by the Soviets to the United States and by a U.S. administration (but probably not by the mass media) to the public. The Nixon-Kissinger hyperbole in promoting détente domestically, and détente itself, have taught many in the United States not to have unreasonable expectations of an amicable relationship following in the wake of a major arms agreement. The occasional misunderstandings and strains that will occur on the way to a reconciliation, as well as any Soviet successes that fall within the bounds of acceptable competition, will consequently have a less corrosive effect.

On the other hand, American recollections of Soviet incursions during the mid-1970s are still fresh. That they occurred during a period of improved superpower relations reinforced widespread doubts about Moscow's commitment to broad-gauged delimitations of the superpower rivalry. It would take some time for this skepticism to diminish substantially, even with Soviet "good behavior" extending into the near term. Yet a reconciliation could also emerge if skepticism and distrust do not subside significantly. In the absence of Soviet incursions, it could gradually take shape due to a growing appreciation of limits and limitations, reinforced by the spillover effects of major arms accords.

Gauging the Rivals' Interests in a Reconciliation

In order to gauge the weightiness of the concerns and incentives that would help move the superpowers to reconcile themselves to one another, they will be compared to those that made for détente.[24] The concerns turn out to be at least as

[24] For various interpretations of the Soviet and American motivations underlying détente upon which

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powerful and salient as the incentives. Then as now, intersecting security interests are the most prominent ones pulling Russia and America away from cold war. Both periods feature a decided interest in limiting offensive strategic weapons in the belief that arms rivalries engender tensions and temptations that could lead to war. Today there is a clearer appreciation of the need for arms agreements. Exceptionally accurate first-strike weapons were not plentiful circa 1970, and neither side had yet recognized the special ("use them or lose them") risks of the MIRVed missiles that were then being developed or the potentially destabilizing consequences of other weapons. And when aiming for stabilizing cutbacks and reconfigurations, rather than for the maintenance of high ceilings, arms agreements are thought to be the only means at hand.

Circa 1970, both states viewed missile defenses as destabilizing and thus banned them in the ABM treaty. Soviet interest in arms control has become more pronounced since SDI was announced in 1983. The system has distinct first-strike and coercive implications, and it might later be transformed into space strike energy weapons directed at pinpoint targets. At a minimum, it would further strain an economy that can ill afford to match America's defensive investments. The Reagan administration wants to develop SDI as rapidly as possible, rejecting a strategic arms agreement if the Soviets continue to make it contingent upon curtailments on SDI testing. The next administration will most probably be guided by the great majority of defense and scientific experts who question SDI's operational capabilities and point to readily available countermeasures, or allow itself to be influenced by a further decline in public support as it becomes widely known that SDI has been radically transformed from a population defense umbrella into a point defense system to buttress deterrence. These distinct possibilities on the American side suggest that SDI will not be a stumbling block. When they are set alongside Soviet anxieties, SDI could turn out to be an effective bargaining chip, as indicated by Moscow's modifications of its restrictive position on testing issues.

Then as now, both states appreciate the ultimate risks of their geographically extensive rivalry. Although the dangers are seen as miniscule at any one time and place, taken together over time and space they are not negligible and elicit a mutual interest in enhancing the predictability of superpower relations, the avoidance of direct conflicts, and the effective management of any that do occur. During the last ten years, concerns about inadvertent war have become more salient as the superpowers have recognized the limited control that they can exert over allies whose actions could entangle them in an unwanted confrontation, as Israel did in 1973. In both countries there is now substantial agreement on this point: if there is a

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this section is based, see Adam B. Ulam, *Dangerous Relations: The Soviet Union in World Politics, 1970–1982* (New York: Oxford University Press, 1983); Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington, D.C.: Brookings Institution, 1985); Robert S. Litwak, *Détente and the Nixon Doctrine: American Foreign Policy and the Pursuit of Stability* (New York: Cambridge University Press, 1984); Harry Gelman, *The Brezhnev Politburo and the Decline of Détente* (Ithaca, N.Y.: Cornell University Press, 1984).

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central war, it will almost surely be an inadvertent one, originating in some hard to manage, accident-prone confrontation. While neither state has shown an interest in reenacting broad understandings like the Basic Principles and Prevention of Nuclear War Agreements with their vague language and ambiguous terms, there is an interest in negotiating narrower conflict-dampening arrangements. It is recognized that the 1972 Agreement on the Prevention of Incidents on and over the High Seas has reduced the number of collisions and near collisions from over one hundred per year to about forty, their dangerousness also having dropped dramatically to about six serious incidents a year.[25] The NATO-Warsaw Pact agreement on the prior notification of military movements may be taken a step further; the two sides are now trying to lower the troop ceiling to which it applies.

Proliferation worries eventuated in the 1968 Nuclear Non-Proliferation Treaty. Both states are now somewhat more concerned given the newly learned difficulties of controlling other states. Discussions of proliferation issues continued after 1983, when nearly all others were cut off. The talks themselves have been more open and less inclined toward the search for special advantages.[26]

Beyond the intersection of shared security concerns, each state's separate interests are also relevant. For the Soviets, the redirection of scientific and technological resources into economically productive channels was a prominent incentive for signing the ABM and SALT agreements. Cutting back on expenditures for nuclear and conventional forces is a more important incentive now that economic setbacks are seen for what they are, chronic problems to be remedied by an enormously expensive modernization program. Acquiring the western technology, capital, and trade that were thought to be obtainable only with the onset of good political relations was another important economic incentive circa 1970. It is more important today even though these goods have been generally available from European and Japanese sources since the collapse of détente. For current modernization, goals are far more ambitious. And the strategy includes the formation of joint enterprises, production for western markets, and participation in international economic institutions that would be much facilitated by a reconciliation. Shedding its image as a second-class superpower was a powerful motivation in the past. It remains significant in that Russia's equal status has not been evident much beyond the strategic domain, and status concerns could only have been reinforced by its relative decline since the late 1970s. With the claim of political equality resting upon military parity and high-level negotiations, arms control meets both needs.

The Soviets' earlier worries about the U.S. opening to China have subsided. Improving relations with the United States were intended to avert a Sino-American alliance directed at Russia—a threat that has passed as the limits of Sino-American

[25] Desmond Ball, "Nuclear War at Sea," *International Security* 10 (Winter 1985/86): 8. Also see Sean Lynn-Jones, "A Quiet Success of Arms Control: Preventing Incidents at Sea," *International Security* 9 (Spring 1985).

[26] Nye, "Nuclear Learning," 397.

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cooperation have become evident and Sino-Soviet relations are close to being normalized. The Soviet interest in using détente to legitimize its dominance in East Europe and stabilize the post-1945 division of Europe was satisfied with the signing of the Helsinki accords in 1975.

During the earlier period one exclusively American interest was salient. Although less of an incentive for détente than an effort to capitalize upon it, the United States hoped that improved relations would move Brezhnev to put sufficient pressure upon North Vietnam to allow for an honorable extrication from the war. The United States might soon have a one-sided interest in a reconciliation insofar as economic difficulties that are largely attributed to huge budget deficits could generate some strong incentives to reduce defense expenditures.

It then turns out that the concerns and interests that could move the two states toward a reconciliation are at least as powerful and salient as they were circa 1970. However, an important objection to the significance of this comparison of past and present motivations needs to be addressed. Since both states assumed that détente did not entail restraints upon their own pursuit of unilateral advantages, current motivations must be much weightier if there is to be an enduring reconciliation. This would be a telling point if the analysis were based entirely, or even primarily, upon reconciliatory motivations. It is offset by the now much heightened appreciation of superpower limits and limitations. Taking them into account, it may even be that the positive benefits of improved relations need not be as weighty as they were circa 1970 for a reconciliation to emerge.

Appraising the Prospects of a Reconciliation

In making the case for a near-term reconciliation, this article has not dealt with the unforeseeable events that will undoubtedly materialize, and that might seriously impair the transition toward a reconciliation. Such unpredictable ones as the U-2 shootdown, the invasion of Czechoslovakia, the Yom Kippur War, and the Korean Air Line disaster have adversely affected superpower relations in the past. One response to this gap in the argument is to acknowledge it as inherent in any attempt to peer into the Soviet-American future. But then we must also recall this article's broadest aim: subjecting expectations of the cold war's continuation to a serious test, while taking account of the power of the past in patterning the future and remaining well within the bounds of the realist tradition by not, for example, taking the path that leads from *glasnost* in its present incarnation, to its further amplification, and from there to a concomitant domestication of Soviet foreign policy.

Another response is to acknowledge that current patterns might prove insufficient in defusing unforeseeable events, but then immediately to suggest that they should take greater hold over the near term. States require some time to learn, to digest what they have learned, to appreciate the benefits of an alternative strategy, to put together the necessary political coalitions for a new departure, and to convince the other side that it is genuinely intended. The rapidity with which the new

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cold war that began in 1980 has subsided suggests that such changes are well under way. Both states will then be even more strongly inclined to dampen the adverse reverberations of unforeseen events—by holding back on their adversarial reactions, assigning responsibility for their occurrence, and estimating their overall significance.

The favorable prospects of a reconciliation are underscored by bringing together two points that have not been made fully explicit. First, the Soviet Union is more disposed toward a reconciliation than is the United States. The two states differ in the extent to which they are reconciled to their own limits and limitations, and in the weightiness of their interests in a reconciliation. The sharpest manifestation of the differences is found in the answer to a nonrhetorical question raised by the INF treaty: would the United States have traded away more than 1,500 warheads for some 350 Soviet ones, while also allowing Soviet allies to maintain and even expand their own nuclear forces? And thus the second point. If there is a reconciliation, it will almost surely involve an American "victory" on this singular criterion: the extensive and extended preservation of the Soviet-American status quo. Soviet expansionism will have been safely and successfully contained. The prospects of a reconciliation are thus enhanced insofar as there are greater impediments to its emergence within the United States—the state whose encompassing status quo goals of avoiding war and containing the Soviet Union would be realized in a superpower reconciliation. And thus this article's most ambitious claim—a superpower reconciliation is at least as plausible in the near future as is continued cold war.

Policy Implications

Assuming that a reconciliation is distinctly possible and that its emergence would serve the interests of the United States, what is to be done? The broadest answer is for the United States to continue to pursue a strategy of firmness tempered by a recognition of its own limits and limitations, those of the Soviet Union, and the superpowers' overlapping interests. This answer is not, however, wholly satisfactory. Since the United States is not as strongly disposed to a reconciliation as is the Soviet Union, the reenactment of past policies may prove insufficient. Which policies would have to undergo substantial change to maximize the prospects of a reconciliation? Most broadly, there are two candidates. There are those that involve the military competition, arms control, and the configuration of nuclear and conventional forces, and those policies that bear upon the superpowers' geographically grounded competition, the deterrence of expansionist actions, and codes of acceptable conduct.[27]

[27] The somewhat longer version of this article sets out some implications of the former candidate, and suggests that the latter is much more salient for a reconciliation. See Eric A. Nordlinger, *A Soviet-American Reconciliation: Prospects and Policy* (Milan, Italy: Istituto per gli Studi Politica Internazionale, 1988).

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The United States is now moderately to substantially receptive to a reconciliation on the military dimension. There is widespread support for an ambitious accord that features a 50 percent reduction in strategic weapons, and SDI is unlikely to stand in its way. Reagan's signing of the INF treaty has had the effect of pushing several assumptions off center stage, if not to the political sidelines: that it is impossible to negotiate advantageous deals with the Soviets, that they are given to cheating, and that agreements cannot be verified adequately. On the territorial dimension, there is a sizable gap between current policies and beliefs and those that would constitute a basic receptivity to a reconciliation. The administration continues to practice quasi-global containment without being subjected to fundamental and widespread criticism. Despite considerable, constraining opposition to involvements in Central America, more broadly the most that is widely heard are proposals for a less ideologically inspired, militarily heavy-handed, interventionist form of containment based on a case-by-case assessment of U.S. interests. What was referred to as balanced containment has not been adopted, and may not be.

Quasi-global containment is not just the sharpest current manifestation of cold war; a shift to balanced containment represents the most important policy change for enhancing the prospects of a reconciliation. It would entail a further appreciation of American limits and limitations, a mitigation of security fears, and a considerable reduction in potential Soviet-American misunderstandings and conflicts. A delimited security perimeter might also allow for strengthened defenses around America's central interests to bolster the deterrence of Soviet challenges, and if necessary help reassure the Soviets that the United States does not harbor hostile intentions and revisionist ambitions.

The fundamental policy difference between quasi-global and balanced containment has to do with the scope of U.S. commitments and involvements, whether they are globalized or geographically circumscribed. Their basic doctrinal divergence hinges upon the validity of the assumption that peace is indivisible. The security perimeter has been expansively conceived in the belief that nearly all Third World states have at least a potential bearing upon the East-West conflict. The indiscriminateness with which interests are identified as vital is not primarily due to an inflation of their intrinsic value, or to the depth of the political, economic, and cultural attachments to third states. Many interests are acknowledged to be of secondary and marginal value in and of themselves. Yet they must be defended so as to protect central interests—the homeland, intrinsically valued allies, and those that are geostrategically critical—because peace is indivisible. There is the tendency of dominoes to fall across nearby geographical borders, and the need to reassure all allies and friendly regimes of American support. Most important, the credibility of the deterrent threat with respect to central interests requires a demonstration of resolve to defend admittedly peripheral interests. Thus the United States cannot afford to be selective in choosing where to become engaged, as in Reagan's justification of U.S. involvements in Central America: "If we cannot win

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[there] we cannot win anywhere . . . our credibility will collapse and our alliances will crumble and the safety of our homeland will be put in jeopardy."[28]

What then is to help bring about a shift from quasi-global to balanced containment? Given the fundamental nature of such a change it would require some movement along several of the following five paths.

First, a more realistic assessment of America's decidedly secure position in the world would make for some movement toward balanced containment. Some conception of strategic immunity should be introduced into the political lexicon, allowing for an assessment of the extent to which the United States is unsusceptible to many of the rival's expansionist attempts, despite the absence of purposeful efforts to deter and defend against them. On the territorial dimension, strategic immunity may be broken down into its invulnerability and insulation components. A state is insulated insofar as the adversary fails to attain his expansionist objectives because third states themselves serve as buffers and barriers. They are sufficiently resilient to negate the rival's ideological appeals, material carrots and sticks, coercive pressures, subversive intrusions, and military interventions, including those launched by its proxies. Were some of the adversary's expansionist efforts to prove successful, a state may yet be strategically immune if it is invulnerable. The rival's gains are not translatable into a security deflation, an impairment of its military position or economic good health. A state is invulnerable insofar as third states do not control significant and usable military and economic resources—if not in absolute, then in relative terms. Applying even these bare bones concepts can quickly help highlight America's considerable strategic immunity.

The insulation-enhancing conditions of many Third World countries range from tenacious nationalist, ethnic, and religious identities to a most advantageous terrain for fending off military interventions. Their resilience to Soviet expansionism is perhaps most clearly seen in Moscow's unimpressive record in influencing not just any clients, but even Marxist-Leninist regimes. For Russia's decidedly limited successes are especially telling in that the United States has done preciously little to wean away Russia's friends, sometimes even acting in ways that make them more dependent upon Moscow. The resilience of Third World clients to Soviet influence-control in the absence of U.S. involvements is further highlighted by a comparison with the Communist states of East Europe. Moscow has had to resort to three military interventions, accept some politically and ideologically unpalatable developments, and put up with other difficulties in the case of countries that are relatively easy to control—they are variously close to or on the Soviet border, hosts for the red Army, intertwined with the Soviet economy, and largely urbanized. To dominate Third World states under far less propitious conditions is thus all the more problematic.

With respect to the strategic and military significance of third states, the invulnerability of the United States can quickly be appreciated by noting that the ad-

[28] *New York Times*, 8 August 1983.

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verse impact was minimal even after fully one-quarter of the world population changed sides. The "loss" of China in 1949 did not impinge significantly upon the security of Japan or any other central interests.[29] Economically, the United States is markedly invulnerable, even though it imports great quantities of diverse products. As far back as the 1950s there were exceptionally reliable suppliers (over one half of nineteen critical materials coming from Canada alone) and/or a diversity of suppliers for almost every kind of import.[30] The oil producers alone were able to form an international cartel, and oil is the single product whose cutoff would impact sharply upon the economy. Stockpiles of other critical imports, such as chromium, titanium, manganese, and bauxite, are more than sufficient even on the contingency of a three-year conventional war and its ensuing trade disruptions.[31] Moreover, in its economic interdependencies the United States has so much of what is very much wanted by others, including markets, capital, technology, food, and military hardware. Except for the Arab states at the time of the oil embargo (and Albania), no others have refused to sell their products, including those that did not have diplomatic relations with the United States.

Second, more than enough time and political generations have now passed to reappraise the memories and lessons of the 1930s that have animated and justified quasi-global containment since the late 1940s. It is one thing to say, as President Lyndon B. Johnson did in explaining the intervention in Vietnam, "From Munich until today we have learned that to yield to aggression brings only greater aggression."[32] It is quite another to exaggerate, misconceive, and distort what he took to be the clearest lesson of our time. One distortion involves the politically resonant terminology of appeasement and isolationism as it has been used to disfigure and dismiss policies that are less than quasi-globally assertive. Appeasement's true meaning is applicable to Britain and France in the 1930s: the attempt to buy off an adversary, especially when it runs counter to a commitment. All those instances in which the United States did not confront forceful Communist expansionism – in East Europe, China, Cuba, Angola, and Afghanistan – neither involved buying off the adversary nor diluting any commitments, since none existed to begin with. And the United States has not come close to circumscribing, circumventing, not to mention ignoring, any of its obligations under several dozen defense treaties. Yet despite this literally perfect record, there is a persistent tendency to confuse inactions with appeasement. In parallel fashion, proposals to delimit the far flung defense perimeter conjure up charges of isolationism, as if there were some overlap between 1930s isolationism and a more selective containment policy.

[29] China's attack upon U.S. forces in 1950 was triggered by their advance through North Korea up to its borders.

[30] Council on International Economic Policy, *Special Report: Critical Imported Materials*, Washington, D.C., December 1974, 4.

[31] Ibid., 16.

[32] Ernest May, *Lessons of the Past: The Use and Misuse of History in American Foreign Policy* (New York: Oxford University Press, 1973), 114.

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Britain and France's unwillingness to stand firm did, of course, bring on war in 1939. Yet this was the culmination of an extended series of inactions. Within the space of a few years, they acceded to Germany when it rearmed, occupied the Rhineland, incorporated Austria, annexed the German-speaking parts of Czechoslovakia, and then the rest of the country, finally laying down a partly credible threat with respect to Poland. To convince an expansionist state that the line has *finally* been drawn is indeed problematic. But with the United States never having come close to putting itself in such a position, it is less important to become involved in peripheral areas in order to maintain sufficient credibility to protect central interests. The lessons of Munich have also been overdrawn in that Britain and France failed to act not with respect to marginal or even secondary interests, but over issues that were patently central strategically and militarily. From this it cannot be inferred that America's credibility to defend its central interests would be doubted by not acting quasi-globally. A far flung defense perimeter may help signal resolve on behalf of the center. But not to become involved in peripheral areas says little or nothing about the resolve to safeguard the central ones, especially when there are good, readily apparent reasons not to accept the attendant burdens and risks.

Third, with quasi-global containment largely based upon a plausible common sense assumption that runs up squarely against another that is at least as persuasive, its validity should be made to hinge upon the systematically collected evidence that is now available. It would seem apparent that a state (Russia) will gauge another's (America's) current resolve on the basis of its past behavior, specifically the frequency with which it has fulfilled its commitments. But common sense also suggests that a state's reputation for resolve is not nearly as compelling as the immediately relevant circumstances when estimating its resolve. The past record may be hard to decipher, incommensurate with current issues and conditions, and irrelevant with the ascendance of different governmental leaders. Moreover, the present context offers more compelling evidence in assessing resolve, since it is more salient, richer in information, and palpably immediate, especially with respect to the importance of the interests at hand. This alternative version of common sense is supported by several systematic studies.

From a close examination of eleven cases in which the United States sought to deter conventional military attacks upon allies or neutrals between 1948 and 1963, it became evident that the interests at stake have a decided impact upon the credibility of the deterrent threat. "The opponent is likely to pay more attention to strategic, political, economic, and ideological factors determining the nature and magnitude of [the] interests than to rhetorical and other signaling devices to enhance credibility."[33] A rigorous analysis of fifteen overt conflicts, half of them cold war crises, led to this conclusion: "What stands out is the discrepancy between the little evidence that statesmen *do* infer an opponent's resolve from his

[33] Alexander L. George and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice* (New York: Columbia University Press, 1974), 561.

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past behavior in previous cases and the massive evidence that decision makers think such inferences are made."[34] Similar results emerged from an analysis of fifty-four cases of extended deterrence between 1900 and 1980. In each of them a "defender" state threatened to retaliate against an "attacking" state if it acted, as it seemed about to do, against a protégé of the defending state. The data show that the defenders's earlier actions do not account for deterrence successes and failures. Whether he did or did not previously fight when a protégé was attacked did not affect the attacking state's decision to act against a current protégé.[35]

Fourth, there is the overtly political path, the articulation of the widely appealing benefits to be derived from a shift to balanced containment, as it heightens the independence of U.S. foreign policy. Instead of operative aims being defined as the negation of Soviet aims, these would be partly displaced by goals that are derived from America's distinctive interests, values, and traditions. They, rather than Soviet inspired security concerns, would govern what is or is not to be placed on the foreign policy agenda beyond the delimited containment perimeter.

To turn away from peripheral interests could help reinstate the primacy of domestic aspirations and concerns, the positive side of "America first" attitudes and policies. Doing so could significantly increase the attention devoted to disparate, low-key domestic issues. To delimit the scope of the Soviet threat would also speak to the concerns of libertarians on the left and the right, those who would relate quasi-global containment to the rise of the national security state, with its executive excesses, presidential domination of Congress, and infringements of civil liberties.

Balanced containment would also allow for the external pursuit of America's distinctive values—the promotion of democracy, political liberty, and human rights. The Carter administration's independent evocation of human rights foundered upon an encompassing conception of the East-West conflict. With charges of human rights violations not having any positive effect within the Soviet Union, while variously embarrassing, unsettling, and antagonizing friendly regimes, the critics said that it embodied an unacceptable double standard. If human rights improvements could not be pressed upon the Soviets, they should not be foisted upon pro-western regimes. In addition, the latter were not to be weakened or rebuffed, since they are critical in the defense of common interests against internal and external threats. To delimit the security perimeter would obviate these criticisms with respect to the states that lie beyond it; policies toward them would be divorced from East-West issues. It would also provide the United States with additional leverage in promoting human rights. Public declarations, diplomatic support, trade agreements, economic aid, the assistance of international financial institutions, and

[34] Glenn H. Snyder and Paul Diesing, *Conflict Among Nations: Bargaining, Decision Making, and System Structure in International Crises* (Princeton, N.J.: Princeton University Press, 1977), 187. (Italics in original.)

[35] Paul Huth and Bruce Russett, "What Makes Deterrence Work? Cases from 1900 to 1980," *World Politics* 36 (July 1984): 517.

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arms exports—these carrots and sticks would become more credible and extensive once the security of central interests is no longer seen to depend on the political complexion and survival of human rights violators.

Nor is there a contradiction between these isolationist and internationalist options. They could both be adopted and thus generate support for balanced containment across the political spectrum. For the well leveraged advancement of human rights would not significantly detract from the resources devoted to domestic goals. And human rights issues would not take up as much room on the political agenda or encourage governmental excesses nearly as much as the defense of far flung interests.

An America that enhanced its independence would also become more deeply and consistently self-respecting and respected. The United States has already moved a long way in this direction under the Reagan banner. There is, however, another posture for standing tall, one that would not feature the invasion of a miniscule, barely-armed Grenada in order to demonstrate resolve to Havana and Moscow, followed by a wave of national self-congratulation for having once again become a muscular nation. The alternative posture is that of standing upright in conceiving a more independent foreign policy. To stand up straight is to minimize the degree to which adversaries and friends are allowed to shape American interests and to define what is and is not a loss. An independent America would not only be self-respecting; given its central interests and national values it would also be much respected abroad.

The fifth and final source of change is to be found among America's European allies. At a minimum, they would warmly welcome a circumscribed U.S. security perimeter. They might also try to persuade the United States to make the shift on the basis of its own interests and those of alliance cohesion. The deepest alliance divisions have revolved around NATO's out of area issues, the Europeans criticizing the United States for diverting its attention and resources from the central interests of which they themselves are the core. And were balanced containment to become a reality, the European wish for greater equality, the approximation of a partnership, would be furthered twice over. The allies' relative position in status and influence would be improved with the delimitation of America's quasi-global efforts. More important, with the latter constituting a critical determinant of a superpower reconciliation, the end of the cold war would reduce Europe's dependence on the United States.*

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Feeding the Hungry with Surplus Commodities

MICHAEL LIPSKY
MARC A. THIBODEAU

Since January 1982, the federal government has released three and three quarter billion pounds of surplus food valued at $4.5 billion for distribution to the needy.[1] The combined work of more than twenty-thousand church groups, food banks, community action programs, soup kitchens, food pantries, and civic clubs across the country has helped deliver direct food assistance to as many as twenty million people during this period. The federal plan to distribute surplus commodities resulted from the confluence of several disparate developments: unprecedentedly high levels of government dairy holdings; urgent indications that the problem of hunger was rapidly increasing; and a decision by the Reagan administration to curtail the growth of (or indeed cut) federally sponsored food and nutrition programs. In addition, the new federal initiative coincided with the administration's commitment to limit the size of government and promote greater reliance on the private sector and charities.

The federal government succeeded in distributing significant surpluses to needy families and households and has managed to avoid creating government bureaucracies to handle direct service delivery. In the first four years of the program it re-

[1] U.S. Department of Agriculture monthly statistical report, 7 October 1986. From January 1982 to December 1986, the government released the following amounts of surplus foods to households and individuals (in millions of pounds): cheese, 1,957; butter, 512; cornmeal, 138; flour, 340; honey, 240.9; rice, 267.8; nonfat dry milk, 300.8.

MICHAEL LIPSKY, professor of political science at the Massachusetts Institute of Technology, has written extensively on the structure and delivery of social welfare policies in the United States. MARC A. THIBODEAU, currently an attorney in the Legal Division of the Massachusetts Department of Public Welfare, continues his involvement in food policy issues as a member of the board of the Boston Food Bank.

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duced cheese inventories by 277 million pounds (about 35 percent) at a cost of only 7.5 to 9 cents per pound. But it has failed (or only partially succeeded) in maintaining the program as one without substantial cost, controversy, or bureaucratic regulations. Moreover, the government has threatened and alienated many of the private agencies it champions, and the program has raised important issues of equity by depending on the private sector for policy implementation.

In this article, we not only assess the impact of commodity distribution on the poor. We also shed light on the implications for public policy of utilizing nonprofit community organizations for public purposes and of designing a policy to maximize nonprofit sector involvement.[2] In addition, we examine the impact on the community organizations, food banks, and food pantries solicited by the federal government to implement policy. Their often fragile structures and ephemeral resources make these groups vulnerable to the more stable and commanding resources and sanctions of government.

After a review of legislative and administrative developments, our discussion takes up the impact of surplus distribution policy on recipients and on the emergency feeding services infrastructure. We then discuss the concept of equity as it is affected by the decision to structure surplus distribution through state contracts with nonprofit organizations. Finally, we comment on lessons in feeding the hungry that derive from the special circumstances involved in utilizing surplus agricultural commodities.

This article is based on over 150 interviews with state and local officials, industry spokesmen, and leaders of food distribution organizations in eight states located in four U.S. Department of Agriculture regions; supplementary interviews in Washington, D.C. and elsewhere; and reviews of relevant documents and secondary materials. Observations bearing upon the interaction of public agencies and private food providers are based upon the first three-and-a-half years of surplus distribution activities. Important regulatory changes and key statistics have been updated through December 1986.

Recent Initiatives to Distribute Surplus Commodities

Three days before Christmas 1981, three events took place that restored the federal government's role as a distributor of surplus commodities to households.[3] First,

[2] Privatization of activities previously considered public responsibilities has been widely noted. See E. S. Savas, *Privatizing the Public Sector* (Chatham, N.J.: Chatham House, 1982); Ralph Kramer, *Voluntary Agencies in the Welfare State* (Berkeley: University of California Press, 1981); Ira Sharkansky, *Wither the State* (Chatham, N.J.: Chatham House, 1979); Paul Starr, "The Meaning of Privatization," Project on the Federal Social Role, Working Paper #6, Washington, D.C., National Conference on Social Welfare, 1985; Lester Salamon, "Partners in Public Service: Toward a Theory of Government Nonprofit Relations" in W. Powell, ed., *Handbook of Nonprofit Organizations* (New Haven: Yale University Press, forthcoming); and Salamon, "Government of the Voluntary Sector in An Era of Retrenchment: The American Experience," *Journal of Public Policy* 6 (January-March 1986): 1–20.

[3] The United States has distributed surplus agricultural products to the needy episodically since

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Congress directed the secretary of the Department of Agriculture (USDA) to reduce storage costs associated with the dairy product price-support program administered by the Commodity Credit Corporation (CCC).[4] This mandate reflected concern over the embarrassingly high levels of stored surplus products held in federal warehouses. Second, faced with the choices of either paying soaring storage costs or disposing of cheese and butter, Congress directed the secretary to expand the class of nonprofit distribution outlets eligible to receive surplus commodities. The secretary's ability to enlist additional outlets had been limited by the Food Stamp Act, which prohibited the distribution of free commodities to households in areas where food stamps were available.[5] Finally, the President released 30 million pounds of cheese from federally leased warehouses. The text of this executive order made it clear that the primary impetus for ordering the release of cheese was the growth in CCC stockpiles.[6] Feeding the hungry was a secondary concern, the major effect of which would be to reduce the levels of costly surplus holdings.

Phase I: January 1982 to March 1983

Shortly after the President's announcement, the Food and Nutrition Service (FNS) of the USDA notified states of the guidelines that would govern the distribution of cheese. There is every indication that the Special Dairy Distribution Program (SDDP), as it was called, was intended to be a relatively informal giveaway of surplus cheese with a minimum of rules and regulations. States were to enter into a contract with the FNS for receipt of the product. The contract specified that upon delivery states were to distribute cheese to traditional providers of congregate meals and to community food banks. The states were to place orders with the FNS, which would make a final determination on a state's allocation on the basis of population. No explicit eligibility criteria were imposed on the states, though they were implicit by virtue of the composition of recipient agencies. Thus, the federal government was to supply food; the states were to arrange for local allocation and distribution; voluntary nonprofit organizations were to be responsible for giving it away.

The President's order to release cheese was regarded by officials of the USDA, the states, and the local distribution agencies as being a one-time release. But in February 1982, an additional 100 million pounds of cheese was authorized for release, and more releases (including butter) were authorized periodically. By 1 April 1983, more than 300 million pounds of cheese and 130 million pounds of butter with an aggregate value of $650 million had been received by the states. During this period the government encouraged states to order as much cheese as

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the 1930s. See Janet Poppendieck, *Breadlines Knee-Deep in Wheat* (New Brunswick, N.J.: Rutgers University Press, 1986).

[4] U.S. Congress, Public Law 97-98, *Agriculture and Food Act of 1981*, 95 Stat. 1220, sect. 106.

[5] This prohibition was repealed in December 1985, in U.S. Congress, Public Law 99-198, section 1506.

[6] "Cheese Inventory of the Commodity Credit Corporation," *Weekly Compilation of Presidential Documents*, vol. 17, no. 52 (Washington, D.C: U.S. Government Printing Office (GPO), 1981), 1398–1399.

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they could effectively move without waste.[7] It was up to the states to establish standards for who was needy and how often they would receive food. Concurrently, publicity about the program contributed to increased interest in it. This development paralleled a growing apprehension about the plight of the hungry, a concern fed in part by the palpable existence of "the hungry" as indicated by media images of long lines of people waiting to receive their five pounds of cheese or two pounds of butter.[8]

Growing demand for hunger relief was fueled by many factors.[9] First, unemployment was high, particularly in the industrial cities of the Midwest, the result of the worst economic conditions in half a century.[10] Many families visited soup kitchens and food pantries for the first time because they were unable to buy enough food. Second, through the Omnibus Budget Reconciliation Acts of 1981 and 1982, eligibility standards had been tightened and substantial cuts made in such important feeding programs as Food Stamps, school breakfast, milk and lunch programs, summer feeding programs, the Child Care Food Program, and the Women's, Infants and Children Program (WIC).[11] Other cuts, apart from the reductions made in nutrition programs, forced many of the poor to shift resources away from food in favor of housing and health. Third, a population already in need of food and

[7] The USDA Notice of 9 March 1982, indicated that "there is no limitation on the amount of cheese which may be requested by a state agency." These releases were reported at the time in the Federal Register. For more specific references and further details on the operation of the surplus commodity programs described here, consult Michael Lipsky and Marc A. Thibodeau, "Food in the Warehouses, Hunger in the Streets: A Report on the Temporary Emergency Food Assistance Program," Cambridge, Mass., July, 1985.

[8] A compilation of media coverage of the hunger issue between 1981-1984 is found in Food Research and Action Center, *Hunger and the Media* (Washington, D.C., May 1984).

[9] For accounts, see, for example, Kathryn Bishop, "Soup Lines and Food Baskets: A Survey of Increased Participation in Emergency Food Programs," Center on Budget and Policy Priorities, (Washington, D.C., May 1983); United States Conference of Mayors, "Hunger in American Cities," (June 1983); United States Conference of Mayors, "Responses to Urban Hunger," (October 1983); Food Research and Action Center (FRAC), "Still Hungry: A Survey of People in Need of Emergency Food," (Washington, D.C.: FRAC, November 1983).

[10] In 1982, the unemployment rate averaged 9.7 percent, representing 10.7 million people without jobs. Unemployment had increased 2.4 percent over the 1981 rate and 4.1 percent over the 1979 rate. Between 1979 and 1982, the number of unemployed people increased by 3.9 million. *Statistical Abstract of the United States, 1985*, 105th ed., U.S. Department of Commerce, Bureau of the Census, 406.

[11] For the years 1982–1985, total cuts in human service programs approached $110 billion. In child nutrition programs, total outlays fell 27.7 percent. Congressional Budget Office, *The Combined Effects of Major Changes in Federal Taxes and Spending Programs Since 1981*, (Washington, D.C., April 1984), 14. One million people were dropped from the food stamp rolls, and nearly 20 million people (80 percent of them below the federal poverty level) received less in benefits than was previously the case. State of Illinois, Legislative Advisory Committee on Public Aid, *The Impact of Federal Budget Cuts in Illinois*, (May 1984), 6. In addition, the federal budget outlays for the School Lunch Program were reduced such that 750,000 low-income children were no longer eligible for free lunches. Similarly, 500,000 children were dropped from the Summer Lunch Program in this period. Funding for the Child Care Food Program was pared by 28 percent. Food Research and Action Center, *Hunger in the Eighties: A Primer* (Washington, D.C.: FRAC, 1984), 27.

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shelter—deinstitutionalized mental health patients, single individuals who were not eligible for public assistance, and others—was expanding.

By the end of 1982, the hunger issue had become a media and political event. Moreover, the publicity about food lines and commodity distribution undoubtedly contributed to the increased demand for relief from needy people who had been absorbing the hardships of housing costs escalation, failure of public welfare programs to keep pace with inflation, and other financial strains. The message that the government had a new food program evoked a response among those who were in need but who had been unaware that help was available or who had previously been fearful or embarrassed to seek aid.

The first months of 1983 were marked by considerable congressional interest in the hunger issue. A parade of witnesses testified before Congress to the severity of the hunger problem and to the difficulties that community agencies were experiencing in implementing the federal giveaway.[12] The problems experienced by food banks and other distribution agencies were hardly surprising. Food banks and pantries, particularly at that time, existed on tight budgets and at the forebearance of volunteers with variable involvement and reliability. Making commodities available to these organizations provided welcome additional nutritional resources, but also created costly demands and expectations. They now had responsibility for a perishable commodity that would often arrive at uncertain times. Volunteers had to be rounded up on short notice to take possession of the goods. Administrators of these programs had to make sure that no one misappropriated or otherwise mishandled the goods. Transportation had to be arranged and freezer or cooler space obtained. Laborers had to be either found from among volunteers or hired. In short, many community organizations lacking experience in bulk perishable food handling found themselves responsible for receiving, storing, and distributing cheese and butter. In addition, they were held accountable to state and federal agencies that normally dealt with local governments, school systems, and other public agencies whose administrative capacities were taken for granted.

Phase II: March 1983 to September 1983

The Jobs Bill. In March 1983 Congress responded to the concerns of community feeding agencies and formalized the surplus distribution relationship between the federal government and nonprofit organizations. Under Title II of P.L. 98-8 (the Jobs Bill), Congress created the Temporary Emergency Food Assistance Program

[12] See, for example, U.S. Congress, Senate Subcommittee on Nutrition of the Committee on Agriculture, Nutrition and Forestry, Hearings on S.17, *Domestic Commodity Distribution and Food Assistance Act*, 98th Cong., 1st sess. 15 February 1983 (Washington: GPO); U.S. Congress, House Subcommittee on Domestic Marketing, Consumer Relations and Nutrition of the Committee on Agriculture, Hearings on H. R. 1590, *Emergency Food Assistance and Commodity Distribution Act of 1983*, 98th Cong., 1st sess., 22 March 1983.

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(TEFAP) as a successor to the SDDP.[13] Several provisions of the program are particularly noteworthy.

TEFAP expanded the list of commodities that were to be made available for release; expanded the kinds of agencies eligible to receive commodities; and made available $50 million to the states to offset food storage and distribution costs. Of the $50 million, no less than $10 million was to be made available to local feeding organizations up to a maximum of 5 percent of the value of the commodities. Although the 5 percent figure was neither a guarantee of reimbursement nor even a target, some organizations expected to receive this amount.[14] As a temporary measure, TEFAP was to terminate on 30 September 1983.

Regulations for the Jobs Bill. The FNS issued extensive regulations to implement TEFAP in April.[15] Several of these provided the basis for a systematic effort to distribute surplus commodities. The regulations established an allocation formula based upon a state's unemployment and poverty levels and its historical commodity-use patterns rather than population alone. They also established a similar formula for the distribution of administrative monies. No explicit eligibility criteria for receipt of commodities by households were imposed, although many states did adopt various income-based guidelines, often in combination with automatic eligibility for participants enrolled in such low-income assistance programs as food stamps and emergency fuel assistance. Additional administrative demands were placed on local distribution agencies. Data had to be maintained documenting the receipt and eventual disposal of commodities. Meticulous records had to be kept regarding items for which local organizations sought reimbursement.

Supply Changes. The period from March to April 1983 saw a variety of changes in the supply of commodities when Secretary of Agriculture John Block announced that several commodities not previously authorized for release would be made available. During the five-month life of the Jobs Bill, more than 78 million pounds of cornmeal, rice, nonfat dry milk, honey, and flour, with a value exceeding $40 million, were distributed.

However, while the variety of foods was increasing, the USDA drastically cut back on allocations of processed cheese. Cheese processors and retailers (led by the National Cheese Institute) claimed that the cheese giveaway was affecting consumer purchases, displacing market sales. The USDA agreed and reduced alloca-

[13] U.S. Congress, Public Law 98-8, Title II, *Temporary Emergency Food Assistance Act of 1983*, 98th Cong., 1st sess., (Washington, D.C.: GPO), 97 Stat. 35-36. The Jobs Bill (Title I) also provided emergency assistance to the needy by making $100 million available for food and shelter through national and local charities. See U.S. Congress, Public Law 98-8, Title I, *Emergency Job Appropriations*, 98th Cong., 1st sess., 1983, 97 Stat. 27-28. See Emergency Food and Shelter National Board, *Emergency Food and Shelter National Board Program*, Winter 1983-1984.

[14] For example, in 1983 in California, many food banks expended funds in anticipation of receiving 5 percent of the food's value. After months of delays, they were allowed only 2.8 percent because of a funding shortfall in relation to state expenditures and local claims.

[15] U.S., *Federal Register*, Vol. 48, No. 81 (Washington, D.C.: GPO), 26 April 1983, 19004-016.

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tions.[16] Whereas between March and May of 1983 an average of 57 million pounds of processed cheese was distributed per month, that average tumbled to 32 million pounds per month in the subsequent quarter. This development ended the era of unrestricted supply and required the introduction of mechanisms to apportion limited allocations.

During the Jobs Bill period, more than $530 million worth of food was distributed. The $50 million in authorized reimbursement funding represented 9.3 percent of the value of commodities distributed. However, much of this money went unclaimed. Many states failed to gear up for the reimbursement process, and a large number of distributing agencies lacked the technical skill or organizational ability to file proper claims.

Phase III: September 1983 to September 1985

On 2 September 1983, Congress extended TEFAP through September 1985.[17] In so doing, Congress attempted to mollify commercial interests while ensuring that the program retained sufficient vitality as a hunger relief initiative. During this period, the FNS sought to establish greater control over distribution agents. It also sought to respond to criticism that people who were neither poor nor hungry were receiving surplus foods. The most direct means of balancing these concerns was to restrict program access through tighter eligibility standards. Thus, Congress mandated that states determine whether recipients were needy by virtue of income. The directive had little effect on many states that had already promulgated some type of income-based guideline. The real burden of this development fell on the community organizations serving as primary distributors of surpluses.

Apart from these provisions, the reauthorized TEFAP diminished the financial resources available to states and emergency feeding organizations by limiting the appropriation for expense reimbursement to the same amount authorized by the Jobs Bill. The Jobs Bill had allowed $50 million to cover costs associated with the program during a five-month period. For fiscal years 1984 and 1985, however, no funding increase was authorized for these twelve-month periods despite the fact that more local distributors had begun to participate in the program and were faced with more burdensome administrative tasks than before.

[16] For varying estimations of the displacement of market sales see James Zellner and Clifford Carman, "Cheese Donations and their Effect on Commercial Disappearance," *Dairy Outlook and Situation*, Economic Research Service (June 1983), 21; *Oversight on Commodity Distribution Programs*, Committee on Agriculture, Nutrition and Forestry, Subcommittee on Nutrition, 98th Congress, 1st sess., 12 July 1983; U.S. Congress, House Committee on Government Operations, House Report No. 98-455, *USDA's Cheese Distribution: A Good Program Gone Wrong*, 98th Cong., 1st sess., 27 October 1983 (Washington, D.C.: GPO); and James Zellner and Larry Traub, "Economic Impact from Distributing Surplus Commodities," Economic Research Service, 12 March 1985. For a discussion, see Lipsky and Thibodeau, "Food in the Warehouses."

[17] U.S. Congress, Public Law 98-92, Sect. 2, *Amendment to the Temporary Emergency Food Act of 1983*, 98th Cong., 1st sess., (Washington, D.C.: GPO), 97 Stat. 608-612.

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In December 1983 the FNS issued regulations to implement the new law.[18] States not only were required to set up income-based eligibility criteria, but they also had to establish distribution rates based upon household size so that larger families would receive more. In addition, states had to monitor the ability of community organizations to receive and store commodities and ensure that the outlets' purchases of other CCC commodities were not diminished.

In July 1984 the FNS proposed rules that would have vastly increased the administrative burdens on community organizations.[19] Under these regulations, all agencies would have been responsible for maintaining records showing the number of eligible housesholds served, the number of individuals in each household, and the data and method used to determine household eligibility. In addition, the organization would have to maintain records for three years documenting the names of household members receiving commodities and the basis for determining that the household was eligible to receive them. Finally, states would be required to monitor and annually inspect all organizations that participated in distribution. For various reasons, not least the strong objections of state and distribution agency officials, these regulations and the threat of burdensome administrative requirements they implied were held in limbo for nearly two years.

Postscript. In April 1986 the FNS relented to a degree by making the umbrella distribution agencies (such as food banks), but not the direct distribution sites (such as food pantries), responsible for record keeping. It also placed limits on the number of distribution agencies states had to monitor in any given year.[20] Another important change in the regulations was announced in July 1986 to govern TEFAP beyond September 1986.[21] States were required to provide matching funds for all federal funds they claimed for administrative reimbursement. On the one hand, this was expected to swell the pool of reimbursement funds available to local distributing agencies in those states that continued to participate. On the other hand, surplus distribution would be reduced in states that were unwilling to appropriate funds to match federal dollars for administrative costs.

The Impact of Commodity Distribution

The distribution of surplus commodities directly to households and individuals stands out as an anomaly among federal nutrition programs. The initiative has neither a nutrition-centered goal nor a target population. Moreover, the sheer scope and variety of private sector outlets through which benefits are delivered has no parallel in federal food policy, nor for that matter in any government social welfare program of which we are aware. Despite its ill-defined focus and uncertain

[18] U.S., *Federal Register*, Vol. 48, No. 243, 16 December 1983, (Washington, D.C.: GPO), 55988-993.
[19] U.S., *Federal Register*, Vol. 49, No. 128, 2 July 1984, (Washington, D.C.: GPO), 27159-160.
[20] U.S., *Federal Register*, Vol. 51, No. 73, 16 April 1986 (Washington, D.C.: GPO), 1219-26.
[21] U.S., *Federal Register*, Vol. 51, No. 135, 15 July 1986 (Washington, D.C.: GPO), 25534-25539.

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administrative orientation, TEFAP has helped alleviate the plight of the hungry. Well beyond its value in providing high protein and high calorie foods to the hungry, TEFAP has been instrumental in fostering the growth of a nationwide private relief network.

Impact on the Hungry

Between 1981 and 1984, study groups of all political stripes, including the President's Task Force on Food Assistance, the United States Conference of Mayors, the Physician's Task Force on Hunger, the Food Research and Action Center, the Center for Budget and Policy Priorities, and dozens of state and local groups across the country reported that the demand for emergency food assistance was outstripping available supplies by a wide margin.[22] Federal surplus commodities, according to all reports from the field, have helped bridge the gap in emergency food aid created by the unprecedented surge in demand.

Not only have federal surplus foods helped fill the gap, but they have been of strategic dietary importance. The items provided are generally nutritious and protein-rich. Cheese and butter are high-priced items that cannot be purchased regularly by families living on fixed incomes or who must stretch food stamp allotments over an entire month. In Detroit, when word was passed down the line that butter was being made available for the first time, people panicked out of fear that the product would run out before their turns came. Near riots under similar conditions occurred in San Francisco, Boston, and other cities.

Distinct from nutritional benefits, the initiative has had a multiplier effect on private-sector feeding operations, which in turn benefit the poor. TEFAP has engendered the initiation of many feeding operations and has helped sustain the operations of preexisting food providers. Partially in response to the availability of commodities, churches, civic clubs, private agencies, and other community groups founded "commodities pantries" to help serve the needy. In dozens of urban areas where lack of transportation is a barrier for many of the poor, the multiplicity of small neighborhood pantries has resulted in wider and more equitable distribution of foods.

Groups that existed before TEFAP have benefited from the initiative thanks to intense media attention; donations of money, food, and labor have become easier to obtain. In addition, surplus foods have greatly enhanced the quality and scope of services they are able to offer. Generally, free commodities have made substantial additions to the stocks of food disbursed by major nonprofit providers. One survey of twenty-four major food banks in thirteen states revealed that surplus commodities represented over 40 percent of the total disbursements made by those organizations in 1984. In eleven of those food banks, TEFAP foods represented

[22] See The Physician's Task Force on Hunger in America, *Hunger in America: The Growing Epidemic* (Boston, Mass.: Harvard University School of Public Health, 1985), chap. 2 and references.

[23] Survey conducted by Charles Starr, Director, Operation Bottom Line, Long Beach, Calif., 1985.

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over half of their distributions.[23] Among Second Harvest food banks, an average of 35 percent of all food handed out was made up of surplus USDA commodities.[24]

TEFAP has also succeeded in reaching a portion of the needy population that has not otherwise been reached by the Food Stamp Program. This conclusion is supported by surveys undertaken by organizations concerned with the adequacy of available support programs, as well as by impressions received in discussions with administrators of local feeding organizations and people waiting in line to receive cheese.[25]

It should also be noted that the program has had a distinct although unquantifiable effect on the ability of some people to secure food stamps and to gain access to other emergency services available in the community. This is because many community action agencies make an effort to inform clients of the availability of other benefits and services when they come to pick up their surplus products. Thus, outreach by community action agencies, curtailed in recent years because of the elimination of Community Services Act funds, has been aided by having people come to their doors.

Impact on Community Organizations

In attempting to give cheese away with few bureaucratic requirements, the government relied upon the existence of a network of private organizations to distribute surplus products. But first it had to find them, which proved to be more than a routine task. Some organizations did not want to receive federal foods because of the heavy administrative obligations and requirements they (correctly) anticipated they would have to accept. Others believed that they did not have resources or facilities adequate to discharge distribution responsibilities. In fact, throughout the history of the commodity distribution programs, various community organizations have periodically withdrawn (at times with other organizations filling the void) because they could not bear the program's burdens.

Early on, community organizations were wary of participating because they feared that cooperation with distribution might undermine support for the Food Stamp Program. Enthusiasm for surplus distribution initially was also tempered by concerns over the high sodium content of cheese for those with hypertension and for the elderly. Some critics questioned the appropriateness of giving cheese to people of Asian background, and to others for whom cheese was not a part of the normal diet. They further questioned the dollar value of allocations (about $8 for a five-pound block) in comparison to the costs of mounting distribution efforts. Most of these early doubts have dissipated. Nutritionists have argued that

[24] Memorandum from Edmond Worley to Second Harvest Food Banks, 8 May 1985.

[25] For example, the city of Detroit reported that 41 percent of USDA commodity recipients were not food stamp households. Memo from Barbara Parker, Executive Assistant to the Mayor, 20 July 1984, 3.

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the high sodium problem is less important than the high calorie, calcium, and protein content that the cheese and other foods contribute to the diets of the poor and elderly. Food bank officials report their impressions that the availability of free cheese has often increased the use of cheese in the diets of people previously unfamiliar with it. Despite initial misgivings, states were generally able to find food relief organizations willing to participate.

Community action programs (CAPs) cooperated with the food assistance program for different reasons. CAPs welcomed the chance to provide a vital service at a time when federal budget cuts were calling their role into question. They felt compelled to participate in any program that seemed to be responsive to the needs of poor people. This was the case despite the fact that the program initially was temporary and sporadic, and thus contrary to the CAPs' self-help, development orientation. In some cities, politics motivated program involvement. Control of surplus food distribution and anti-hunger programs represented sources of patronage and influence over critical resources in low-income communities.[26]

The Financial Costs of Distribution. The administration's widely publicized "free food" program has always involved significant costs for participating organizations. The early complaint of feeding organizations was that they were expected to carry out responsibilities for distribution without compensation for associated costs. Participating organizations had to pay for trucking and fuel, additional rent, cold and dry storage, utility costs, and the considerable time administrators with other duties had to devote to the program.

The costs were not insubstantial. For example, the CAP in Lansing, Michigan paid over $100,000 in unreimbursed expenses in its first two years of participation in the program. During 1982 the total cost (including in-kind contributions) for the Pontiac, Michigan CAP averaged 28 cents per pound of commodity distributed or approximately 21 per cent of the product's value. As a whole, Michigan CAPs incurred about $1 million in unrecoverable costs in this period. Some food banks had already acquired the facilities and developed the capacity to absorb the additional burdens, but many more were shoestring operations. CAPs and other distribution organizations had little, if any, bulk food handling capacity or experience.

The dilemma, which faced community organizations at the beginning and which to an extent continues, was whether they should absorb administrative and out-of-pocket costs. Not only did community organizations find the distributions costly, but they were expected to absorb the costs on top of their other activities and at the expense of other tasks they perform. It was not uncommon for CAPs to continue free food distributions in lieu of traditional public outreach and self-help efforts.

When Congress took up the reimbursement issue in the Jobs Bill, it provided funding only for specific, immediate expenses. The bill did not permit organiza-

[26] Marc A. Thibodeau, "Food as a Political Resource: The Cases of Chicago and Detroit," unpublished Master's Thesis, Massachusetts Institute of Technology, February 1985.

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tions to make significant capital improvements to improve safe and efficient food handling through the purchase of a new cooler or truck or renting new quarters. Throughout the country, agencies were frustrated by the fact that their cramped and inadequate headquarters, established or obtained when food banking was just starting up, could not accommodate the volume of federal commodities (and the increase in other donations) for which they were taking responsibility.

Federal officials and state program directors refused permission for capital expenditures because they were unable to justify increasing capacity for a program scheduled to expire soon. Likewise, state agencies had difficulty justifying additions to staff to administer a temporary initiative. The Office of Surplus Property in California, for example, could not hire new workers to take on the paperwork for household commodity distribution for over a year, because the state chose to regard the problem as a temporary increase in workload.

When in September 1983 TEFAP was extended for two years, the federal government began to permit investments in capital equipment if such expenditures were proportionate to a program with a two-year duration. However, there continued to be uncertainty whether states and localities should make significant commitments to physical planning for a program that might not be reauthorized two years hence. Although the Jobs Bill was responsive to demands for reimbursement, available funds were ultimately insufficient in many states and in other states went unspent due to difficulties experienced by organizations in filing claims. Up to 5 percent of the gross value of commodities distributed could be allocated to feeding organizations for expenses. And at least 20 percent of the states' allocation for expense monies had to go to local distributors.

However, the amount of money allocated nationwide for these expenses was substantially less than 5 percent of the value of food distributed. The way the bill read, however, many feeding organizations assumed they would be entitled to 5 percent of the value of food they distributed, an amount that would represent a significant infusion of cash to organizations that had few alternative cash sources. Compounding this misconception was the fact that repayments to local groups were frequently delayed six to eight months because personnel in USDA offices, state agencies, and local organizations were unfamiliar with the claims process.

Some emergency feeding organizations did not file reimbursement claims, in part because they found paperwork requirements overly cumbersome. This reluctance or inability to file did not trouble USDA officials, who consistently held that organizations should be grateful for any supplements to their food resources and should absorb the costs of distributing them. This perspective ignored the fact that many states depended for surplus distribution upon CAPs and other public organizations that were neither charities nor otherwise feeding organizations. Moreover, it is an interesting point whether the incidence of federal reimbursement to local organizations should depend on those organizations having the administrative capacity or philosophical predisposition to make reimbursement claims or whether local donations of money and labor are sufficiently reliable to sustain efforts without federal help.

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Pressures to Increase Accountability in Distribution. A significant dilemma for community organizations in accepting government assistance is how far to accommodate the radically divergent expectations of government and feeding organizations for program accountability. These expectations vary because of fundamentally different conceptions of organizational responsibility and human nature. Government agencies are oriented toward insuring fiscal integrity. Community organizations, while concerned with fiscal accountability, are less rule-bound and more likely to place service values over rigid accountability procedures if the two conflict.

Whatever the private views of government workers, moreover, they are required by virtue of their organizational positions and training to be skeptical of those who seek assistance. Workers for community organizations, nurturing of the spirit and responsive to the impulses that lie behind altruistic activities, are more predisposed toward a generous view of human motivation and behavior. In addition, community organizations by definition are primarily motivated by concerns over local conditions and thus, properly, are inclined toward responsiveness to need. Government agencies, in contrast, primarily worry about fairness across the range of programs encompassed by their jurisdiction. Thus, they temper responsiveness to need with a commitment to standardization.

This has been particularly apparent in the case of emergency food distribution. Often these organizations have been established by church groups whose notion of charity forebears to ask those who seek it to prove they are actually needy. To generalize broadly, a large majority of emergency feeding organizations tend to accept the claims of people who ask for food that they indeed need it. This is not an incidental attribute of emergency feeding organizations but rather a characteristic fundamental to their spirit and survival. It is fundamental to their spirit in that these organizations preceded government involvement in emergency hunger relief and were founded out of deep concern over the plight of people lacking food. It is fundamental to their survival in that charitable impulses and interests in community service motivate the majority of their supporters, whose involvement might diminish if the agencies departed too substantially from the guiding assumptions of charity.

In the program's infancy, the federal government, concerned with moving as much cheese as possible, did not interfere with the norms of these community organizations. However, the federal government soon increased demands that organizations ensure that food recipients were actually deserving. This development coincided with the transformation of the program from one of distributing an apparently unlimited amount of goods to one that had to ration supplies; and from one that distributed food, to one that distributed cash reimbursements as well. At the same time, political pressures contributed to the new emphasis: occasional but much heralded stories of undeserving people receiving cheese; a few scandals (of no large dollar implications); and a general concern current at the time that the "truly needy" should receive priority in federal programs. In short, the program was transformed from a supply-driven surplus distribution program

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to a product-rationed, participant-restricted, quasi-welfare program. States, then food banks, and then distribution sites were asked to be accountable for establishing and monitoring recipient eligibility.

As indicated above, in July 1984 the FNS published proposed regulations that would have imposed additional administrative tasks on feeding organizations. These proposed regulations were greeted with dismay by those affected. Their reactions ranged from assertions that they would not comply to predictions that the rules would promote cynicism and lawlessness as groups made only half-hearted attempts to cooperate. There was an organizational basis to this resistance. It is one thing for a public welfare worker to ask recipients to prove that they meet certain income and asset criteria established by law. It is quite another thing to ask a harried volunteer at a food pantry to demand evidence of poverty or to contest the eligibility of someone whose proof is absent or suspect. The problem of challenging recipient claims of eligibility is particularly pronounced in large cities, which already have experienced riots and skirmishes over the insufficiency of supplies. It is not uncommon for programs to hire guards to help maintain order on distribution days, and programs expend considerable effort to design their procedures to control crowds. Experience with such outbreaks and the threat of them contribute to an atmosphere in which processing claims speedily takes precedence over rigid compliance with verification regulations.

It is the nature of government welfare regulations that eligibility limits are established using objective and clear criteria to achieve the popular perception of fairness. Fairness in community organizations, however, may entail a different standard. Here acceptance of subjective expressions of need, the willingness of people to undergo perceived humiliation in order to obtain benefits, and the general attitude of compassion with which emergency feeding activities arose all act to encourage more generous conceptions of eligibility and verification. This flexibility and responsiveness are a strength of community organizations and contribute to their comparative advantage as service delivery agencies in the eyes of recipients. Yet it is precisely the capacity for generosity that is eroded by government-imposed standards for eligibility determination and verification.

The commodity distribution program was designed to take advantage of the presumed availability of nonprofit feeding organizations to receive and distribute foods. But such organizations are not simply or originally conduits of government policy. Thus, we must ask what the impact of the policy has been on the organizations charged with implementing it. Three issues deserve attention.

Maintaining a Low-Cost Program. One of the attractions to policy makers of working through voluntary organizations is the apparent low cost associated with mounting the policy initiative. It should go without saying, of course, that the apparent low cost of a program run by the private sector is only a low cost to government. Private organizations may well pay a high price for rendering services, but the cost may never appear on government ledgers.

Of equal interest to government planners is the apparent low cost of administering the program, particularly a program thought to be temporary. They imagine that

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oversight may be minimal, and only a small control bureaucracy need be established. Yet the larger and more conspicuous the program, the higher and more exacting the standards government will seek to impose. This particularly seems to be the case with social welface programs, which public officials tend to believe must be protected from widespread cheating and freeloading.

To meet high standards, government will have to pay more to achieve the necessary oversight, thereby reducing the apparent advantages of simplicity and legitimacy in working with the voluntary sector. Or community organizations will have to absorb the new and heavy administrative costs and develop bureaucratic capacities at some expense to their voluntary and relatively informal organizational structure. Alternatively, they may reject the implicit new demands for greater accountability among community organizations, which may negatively affect public perceptions of the legitimacy of the public-voluntary organization partnership. Under some circumstances it is contradictory to seek implementation of public policy through community organizations while demanding standards of accountability one expects of governmental units. Imposition of such standards leads to discord within the organizations and the withdrawal of some from program participation.

Organizational Cooptation. One of the attractions of using community organizations to achieve public purposes is their dedication and zeal. Such characteristics generally incline these organizations to cooperate with worthy government purposes (however much they complain) such as sheltering the poor and feeding the hungry. This attraction is not without serious drawbacks, however. As community organizations take government funds, they may be weaned from other sources of support. Or their new level of activity cannot be sustained with funds raised through traditional sources. The result is that the organizations to which government was attracted because of their independence and legitimacy may become transformed into clients of public agencies.

The irony is that this implicit cooptation is often understood and willingly entered into by the leaders of voluntary agencies. They recognize the cooptive potential of their new involvements but choose to proceed anyway, welcoming the chance to increase their work at a higher level of service. And they believe it is their mission to serve their clients or constituency in whatever ways are possible. Some organizations, such as Second Harvest food banks, seek to minimize this problem by trying (not always successfully) to limit government commodities to a certain portion of their overall food distribution. Nonetheless, some food banks have come to depend upon cost reimbursement from the federal government because they have expanded without developing alternative sources of financing.

Political Effects. Many of the community organizations that are targeted to play roles in the implementation of public policy originally got their start as advocacy operations. A dilemma that arises in using such organizations as service deliverers is that their advocacy roles may be compromised in the process, diverting agencies from their original purposes and undermining the base on which their legitimacy rests.

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An equally plausible scenario is that community organizations will develop into primary program constituents—vigorously criticizing state and federal agencies on details of procedure and policy while lobbying to consolidate and institutionalize the program. These behaviors are more typical of traditional program client groups than they are of independent community organizations whose involvements in bureaucratic politics are often wrongly conceived as minimal. This scenario relieves concerns regarding the compromising of community organizations' advocacy but raises additional problems if government hopes later to shrink the temporary program with little opposition.

Equity in Surplus Distribution to Households

Federal efforts to utilize community organizations in surplus reductions have had distinct implications for equity in service distribution. Whether or not an eligible person receives food depends on many factors that bear little relation to that individual's qualifications for participating in the program. This can be seen by analyzing TEFAP from both interstate and intrastate perspectives.

Equity in TEFAP National Distribution Policy. Surplus commodities are allocated to states on the basis of a state's unemployment level and the proportion of residents who are poor. However, state-established eligibility guidelines are not based on those measures. At a minimum, in all states an individual or family is eligible for the program if household income is not greater than 125 percent of the poverty level. Therefore, state allocations have only a problematic relationship to the eligibility pool, since the composition of the eligible "near-poor" pool varies from state to state.

The mismatch between the federal allocation formula and state eligibility guidelines is exacerbated because many states have at one time established income qualifications significantly above the 125 percent level. At the end of 1985, twenty-four states had adopted an eligibility standard of 125-130 percent of the poverty level, while twenty-five states had income qualifications that exceeded 150 percent of the poverty level. Of these latter states, nine still qualified individuals for the program if their incomes were as high as 185 percent of the poverty level. Needy people in the former group of states had a better chance of receiving food because the eligible population in their states was so much smaller. A focus on border areas between states reveals some anomalies bearing on this point. Residents of Camden, New Jersey may receive commodities if their income does not exceed 185 percent of the poverty level, while across the river the cut-off level in Philadelphia is 130 percent. Similarly, residents of Kansas City, Kansas qualify for TEFAP foods based upon 165 percent of the poverty level, while the incomes of those who live in Kansas City, Missouri, may not exceed 125 percent.

Most of the higher state eligibility standards were adopted in the period when the supply of surplus cheese to states was high and the level of state orders was essentially unrestricted. Since this period ended in the third quarter of 1983, many states have declined to tailor their programs to changed circumstances. It is under-

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standable that some states have sought to broaden participation in the program by adopting liberal eligibility guidelines. However, since the volume of commodities is limited, larger eligibility pools exacerbate the problem. In such circumstances, individual patience and stamina are rewarded over any measure of comparative need.

It should also be noted that at current supply levels the program reaches less than half of all households eligible for food stamps, those with incomes that are at or below 130 percent of the poverty level. At the end of fiscal year (FY) 1985, the government made cheese available to 19 million individuals per month. Yet the number of people living at or below 125 percent of the poverty level exceeded 43.5 million at the end of 1983 and had declined only marginally over the two year period. When viewed from this perspective, the receipt of TEFAP foods by the food-stamp-eligible population assumes the trappings of a competitive enterprise.

A more general influence on the chances of individuals in different states to receive goods is the degree to which a state welcomed the program and sought to develop distribution outlets. Depending upon a state's level of interest, gaps in service in particular areas were either filled or left void, foods were divided equitably or distributed to the more convenient and established outlets, technical assistance was offered to less sophisticated emergency programs or was not forthcoming, and funds were appropriated under state budget authority or the effort remained underfunded. All these considerations conditioned the likelihood that citizens, whose needs were similar, would have equal access to surplus commodities if they lived in different states.

Equity and the Local Distribution Network. Equity is also affected by the network of voluntary organizations that distribute surplus food. The level of penetration achieved by the program in a particular state has depended on whether organizations were available and willing to assume the burdens and responsibilities of distributions. Thus, equity also hinged on the existence of a network of service organizations and a local social welfare culture that was supportive of community efforts to distribute goods.

In a number of states the absence of a community organization structure has affected recipient access to commodities. As of the fall of 1984, Florida had no distribution in fifteen out of sixty-seven counties. Texas had no program in ten counties for lack of distribution agents. After the USDA cut food allocations in mid-1983, only fifteen out of ninety-two counties in Oklahoma received any food. There was no mass distribution in Cleveland for three months in 1984, because the Greater Cleveland Community Food Bank was fed up with the state's reporting requirements and refused to continue its participation.

An additional source of inequity has been the problem of distributing surplus commodities in rural areas. The distances involved in moving surpluses create severe problems for emergency food outlets attempting to "shop" at food banks or pick-up product at distribution centers. Rural organizations also incur higher costs in moving goods while receiving the same reimbursement as urban food banks with lower transportation costs. In Montana, for example, where the typical CAP

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has a distribution range that exceeds 100 miles in radius, local organizations must expend extraordinary energy to fulfill distribution tasks that are more routine for their metropolitan counterparts.[27]

The question might be raised whether these discrepancies are not simply characteristic of policy formation and implementation in the American federal system. After all, the fundamental premises of the federal system allow, if not encourage, decentralization in policy design. But in important respects this comparison is inappropriate or misleading. The availability and level of commitment of the voluntary sector is not a matter of public policy in the various states, but at best is a matter of divergent political, cultural, and social developments that have little basis in public policy and prior legislation.

At the street level, the appropriateness of the comparison with federal welfare discrepancies may also be questioned. Some organizations go to great lengths to insure that eligibles receive the same amount of food by withholding stocks until a single distribution can reach all parts of the state or city. However, because commodity distribution is not an entitlement program, whether a person receives commodities is conditioned by his or her energy, perseverance, and ability to work the system. These are characteristics and propensities that are not ultimately matters of qualification or elibigibility.

Equity and the Issue of Reimbursement. Finally, equity is affected by the limited fund allotment available for the reimbursement of state and local costs. Because funds for reimbursing administrative and processing costs are not sufficient to permit local organizations to recover their expenses, state governments and local organizations have been forced or have chosen to limit participation in the program or to curtail other activities. Cutbacks in the level of state orders, if they are to occur, typically occur in the final quarter of the fiscal year. In fiscal year 1984, more than a dozen states reduced their orders for all commodities by at least 20 percent. Compared to the third quarter of fiscal year 1984, butter orders for the fourth quarter of that year fell 58 percent in the Mid-Atlantic Region, 40 percent in the Southeast Region, 14 percent in the Midwest Region, and 22 percent in the Western Region. In the same two quarters, processed cheese orders fell 35 percent for Mid-Atlantic states, 14 percent in the Southeast Region, and 18 percent for states in the Mountain Plains Region.

In fiscal year 1985, a similar pattern of reduced state orders could be observed. As many as two dozen states significantly lowered (by at least one-third) their total commodity orders for the third and fourth quarters. Some states, such as New Jersey, suspended their participation in the program. (Shortfalls in orders did not occur in fiscal year 1986 to any significant degree.)

Undoubtedly, factors aside from lack of funding also accounted for end-of-year order reductions. Dairy products spoil quickly during the summer months

[27] April 1986 TEFAP regulations were amended to include general language encouraging efforts to relieve rural hunger where it exists. U.S., *Federal Register*, Vol. 51, No. 73 (Washington, D.C.: GPO), 12824.

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and adequate storage facilities may be unavailable. Some community agencies may be closed for portions of the summer. Accumulated inventory may be sufficiently high to conduct some level of distribution. Nevertheless, it is clear that the primary cause of reduced state ordering is the lack of funding. One survey, conducted in May 1985 by the Food Research and Action Center, revealed that thirty-one states were experiencing a funding shortfall. The lack of funding has a direct impact on recipient access to commodities. This at least in part bears on the equity of distribution, since state shortfalls and states' willingness to absorb the costs of running the federal program are not evenly distributed.

Conclusion

Surplus food distribution to households and individuals in the 1980s occurred at the conjunction of a crisis in surplus dairy product storage, new and emergent needs of the hungry, and the availability of a network of nonprofit agencies to implement the program. As part of the policy response, the Reagan administration sought to give cheese and other dairy products away without creating another social welfare program and without offending the cardinal principle of not interfering with commercial markets. However, the administration's efforts to maintain a program free from bureaucratic procedures and long-term commitments were ultimately undermined by the inherent contradictions that emerged during the first years of the initiative.

Could the Government Give Cheese Away without Conflict with Commercial Interests? The rapid growth of the program alarmed commercial cheese retailing interests and led in May 1983 to drastic cutbacks in free cheese distribution. Despite considerable public support for the surplus commodity distribution initiative, the federal government reflexively curtailed the program when the first signs appeared that commercial interests might be negatively affected.

The low support of the Reagan administration for commodity distribution to feed the hungry is revealed by its readiness to curtail distribution when evidence arose that free cheese distribution might be displacing market sales. An unexamined assumption of domestic food policy holds that surplus foods will not be released if their release would interfere with market sales. But what if the public purpose in releasing surplus foods is not simply using them up before they spoil, but also ameliorating widespread hunger? Should this assumption continue to prevail?

It is instructive that the evidence for displacement of market sales was fragmentary and relatively weak when the secretary of agriculture cut back national cheese distribution by about 40 percent in mid-1983.[28] It is also instructive that there was no effort to show that market sales were affected everywhere. While no one would maintain that cheese is sold in a national market (like, say, mag-

[28] See references cited in fn. 16 above.

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nesium) the finding that cheese giveaways were depressing sales in some places was the occasion to reduce releases in all places. The surplus cheese in question, one should bear in mind, is owned by the government and has been purchased already to maintain prices, presumably benefiting some of the food interests that would be affected by displaced market sales. Undoubtedly, wholesale dumping of surplus cheese or other commodities would hurt important commercial sectors and processor groups. The question, however, is where the balance should lie between these interests and the interests of hungry Americans. The current practice is responsive to the complaints of producer and processor interests and reflects no concern for the needy when their interests conflict.

In contrast to the substantial cutbacks that occurred when the prevailing structure of interest dictated immediate and scarcely examined withholding of surpluses, a more balanced policy would have studied the displacement question with greater care; distinguished among markets that were alleged to be affected; and weighed the importance of protecting dairy product markets against the needs of the hungry. A more balanced policy would perhaps accept a problematic reduction in the income of commercial interests (and the concomitant need for additional government purchases as a result of displaced sales) for an increase in hunger relief.

Could the Reagan Administration Maintain a Nonbureaucratic Policy? The decision to restrict surplus cheese distribution affected the ability of the Reagan administration to maintain surplus commodity distribution as an informal program with few bureaucratic entanglements. Ironically, although less cheese (and inadequate quantities of other foods) was going out of the warehouses, the restrictions on the amount that could be distributed led to a significant increase in the apparatus needed to administer the program. Placing limitations on the amount of cheese available, in the face of high and increasing demand, led to the imposition of rules to maintain fairness and accountability.

The federal government began to pull in the slack on states, requiring more rigid accountability procedures and strongly urging states to establish narrower income requirements. It began to pull in the slack on community food distributors, requiring extensive record keeping and later threatening to impose drastic verification requirements. Federal officials sought to maintain flexibility and control, expecting to be able to pull back the program as they balanced their objectives and costs. But they lost control as the circumstances of hunger in the country became manifest. The program generated its own demand as USDA required state directors to recruit distribution agencies, and community agency directors went about promoting the program and their involvement with it.

The program also generated its own demand by virtue of its popularity with recipients and appeals to sympathetic publics. Making cheese available in a highly visible and publicized way attracted crowds to distribution sites, awareness of which brought others to participate. Community organizations came to depend upon surplus cheese to round out their free food packages and joined to create an effective lobby for surplus food distribution. Scarcely fifteen months after the Special

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Dairy Distribution Program had started, Congress entered the picture and incorporated into legislation the emergent policy of surplus distribution to households.

What started as a small effort with minimal governmental regulation and commitment of new resources evolved into a substantial federal commitment involving new appropriations and extensive administrative controls. The desire of federal agriculture officials to keep the program small and inexpensive became increasingly hard to maintain as community groups and the Congress became exposed to its problems and aware of its potential. Within fifteen months of the initiation of the informal, nonbureaucratic program, federal officials had to cope with a decision of the Congress partially to relieve the states and private agencies of their financial burdens by committing $50 million to defray distribution expenses. The popularity of the program and particularly its geographically wide impact, reaching into nearly every congressional district and affecting local charities whose boards of directors included many community notables, gave Congress a reason to institutionalize what the administration hoped would be a shining illustration of minimalist federal policy.

Did Surplus Food Distribution Deflect Attention from the Government's Responsibilities to Feed the Hungry? When the federal government first announced its cheese distribution program, advocates for the poor were concerned that the program would deflect attention from the devastating impact of the cuts in the Omnibus Budget and Reconciliation Acts of 1981 and 1982. They feared that the symbolic responsiveness of the surplus-food distribution initiative would be taken by the public as a gesture indicative of sufficient compassion for the hungry. And they feared that the public would accept the view that the private sector could adequately care for the hungry. None of these fears has come to pass. While government nutrition and feeding programs have fared poorly under the Reagan administration, it would be difficult to argue that the continuing inadequacy of government food policy is sustained by complacency over the effectiveness of government surplus distribution.

The ideology of privatization championed by the Reagan administration found expression in the view that the private sector, working through mediating organizations such as food banks, could provide the bulk of food relief. This view is now fully discredited. In contrast to food stamps, WIC, and other substantial programs, it is clear that the private sector cannot possibly provide enough food to meet the vast needs of hungry Americans. Ironically, while government policy was structured on the belief that private feeding organizations could fill the hunger gap, the private emergency feeding organizations have been central to helping discredit the view that they could fully provide hunger relief. They have done so by bringing to the surface, with the help of USDA commodities, such a reservoir of demand for food that the manifestations of hunger needs are today more prominent than ever.

The ultimate irony of government food-surplus distribution has been that it has led to *heightened* perceptions of the problem and *greater* public awareness that

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the problem of hunger is real. It has done this by aiding programs that have concentrated the hungry in long lines and in massive feeding halls. It has, in other words, helped give visibility to a social problem that is otherwise easy for a more affluent public to ignore. Just as the problem of hunger in Africa existed before the BBC film was aired that mobilized public support to aid the crisis, the problem of hunger in the United States preceded the cheese lines. But it did not gain visibility and arouse public concern until the images of the needy could be broadcast and given reality on the nightly news. Thus, not only was it incorrect to predict that support for hunger relief programs would be sapped by surplus food distribution, it also appears that surplus distribution may have been a key ingredient in whatever support food and nutrition policies have continued to enjoy.*

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Dismounting The Tiger: Lessons from Four Liberalizations

JOHN ORME

The Carter administration's human rights policy had a number of successes to its credit of which the administration and the American public can be justly proud. But there was another side to the policy, which no evaluation can neglect. On two occasions the liberalization programs pressed on friendly authoritarian governments by the United States ran out of control, leading to the governments' overthrow and replacement by regimes hostile to the United States and even less solicitous about the human rights of their peoples.

The experience of the Carter years raises a crucial question for the proponents of a human rights policy: can a dictatorial regime loosen its grip over the population without losing control? I intend to explore that question here by examining four attempts by autocratic governments to liberalize, two of which succeeded and two of which did not. "Success" in this context can mean different things to different people. The leaders of these four regimes may have differed in their ultimate aims and their determination to stay in power, but none of them had any intention of stepping down in the near future. In each case liberalization was undertaken to stabilize authoritarian rule by making it less burdensome for the public, and was not originally intended to evolve into full democratization.[1] If democracy is the

[1] See Wayne Selcher, "Introduction," 4; Enrique Baloyra, "From Moment to Moment: The Political Transition in Brazil, 1977–1981," 17, 33, 36, 48, 50; Donald Share and Scott Mainwaring, "Transitions through Transaction: Democratization in Brazil and Spain," 201; all in Wayne Selcher, ed., *Political Liberalization in Brazil: Dynamics, Dilemmas, and Future Prospects* (Boulder, Colo.: Westview Press, 1986).

JOHN ORME is associate professor of political studies at Oglethorpe University of Atlanta, Georgia. He is author of a forthcoming book on United States foreign policy toward political instability in the Third World, from which this article is drawn.

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end result of the changes initiated by authoritarian leaders, as it was in one of the cases to be examined here, liberalization cannot exactly be called a success from the regime's standpoint, though such an outcome would be even better than a partial ameliorization of repression from the U.S. perspective. But what both the United States and the regime's rulers want to avoid above all else is a deterioration of the liberalization process into bloody revolution, leading to a victory of the most extreme elements of the opposition. Hence, I will define as a success here any serious liberalization that does not lead to violent upheaval of this sort, whether it leads all the way to democracy or not.[2]

The first case to consider is Francisco Franco's Spain. At the height of the repression after the civil war, some 270,000 opponents of the Nationalists were held in prison camps. The civil guard placed machine guns at important crossroads and pairs of armed guardsmen patrolled the highways, while the army remained garrisoned outside major cities. Spain, in the words of one historian, "resembled a conquered land."[3] Beginning in 1945, Franco permitted a gradual amelioration of conditions over the next fifteen years. The civil guard's visibility throughout the countryside was reduced and amnesties were announced on nine occasions. A large number of exiles returned home, and by the 1960s the number of political prisoners had fallen to between 500 and 1,500.[4] In all its formative period in the late 1930s, the regime had banned all political parties except the official *Falange Español Tradicionalista y de las JONS* as well as independent trade unions. The workers in theory received representation in the corporatist syndicates set up for each industry. In the 1950s and 1960s, Franco relaxed the strict controls over labor and allowed moderate opposition groups to carry on a few activities without hindrance, though strict limits on the freedom of public assembly remained in force.[5] Finally, the minister of information eliminated prior censorship of printed materials in 1966. The Spanish media reacted cautiously at first; but by the 1970s opposition views were widely reported, and even Marxist literature was freely available in bookstores.[6] In short, Franco succeeded in gradually easing his controls on Spanish life over a span of nearly thirty years without endangering his regime. In this sense

[2] This definition is thus neutral between the regime's definition of success and the United States's view. The definition I will use here differs from that of Robert Dahl, who concentrates on the first possibility—regime maintenance, not regime transformation—in the introduction he wrote to *Regimes and Oppositions* (New Haven, Conn.: Yale University Press, 1973), 16–17.

[3] John Coverdale, *The Political Transformation of Spain after Franco* (New York: Praeger, 1979), 13; Richard Herr, *Spain* (Englewood Cliffs, N.J.: Prentice-Hall, 1971), 212–213.

[4] Juan Linz, "Opposition to and under an Authoritarian Regime" in Dahl, ed., *Regimes and Oppositions*, 174.

[5] Jose Amodia, *Franco's Political Legacy* (London: Penguin, 1977), 182; Coverdale, *Political Transformation of Spain*, 18.

[6] Amodia, *Franco's Political Legacy*, 186; Linz, "Authoritarian Regime," 175, 211; Coverdale, *Political Transformation of Spain*, 9. Stanley Payne, *Franco's Spain* (New York: Crowell, 1967), 109–24, 44–45; Raymond Carr and Juan Pablo Fusi Aizpura, *Spain: Dictatorship to Democracy* (London: George Allen and Unwin, 1979), 138–40, 167, 193.

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the policy was successful, though it apparently did not win the loyalty of the public, for Franco's regime died with him.

Liberalization was also attempted in Communist Hungary in the 1950s. Here the Stalinist period was perhaps the grimmest in all of eastern Europe. It came to an abrupt end in 1953, when the death of Stalin brought a collective leadership to power in Moscow that sought to relieve some of the miseries the dictator had caused in the Soviet Union and then imposed on the satellites as well. In Hungary, the Soviet leaders forced Matyas Rakosi to step aside and let Imre Nagy modify the Stalinist system that Rakosi had erected. Nagy released the Communist political prisoners, permitted peasants to withdraw from collective farms, and attempted to upgrade living standards. Then, early in 1955 the balance of political forces shifted in the Kremlin and Rakosi was put back in control; but his sponsors prevented him from utilizing the harsh methods to which he was accustomed. Neither Rakosi nor his successor, Erno Gero, was able to break the revolutionary momentum that built up in Hungary in 1956, and the Russians were forced to intervene in the summer of that year to save the situation. Hungary, of course, we would have to categorize as a complete failure.[7]

The third case is the shah of Iran's ill-fated liberalization of the late 1970s. The shah proceeded on two tracks. The first was an expansion of political participation through the creation of a new political party, the *Rastakhiz* (Resurgence) party. Previously, effective participation had been limited to a small circle of 300 to 400. Though the Resurgence party made no effort to attract opposition elements, it did manage to recruit some five to six million members in two years. The second track was a relaxation of controls over freedoms of press, assembly, and expression in 1977, which had the immediate effect of stimulating the opposition to action. The Shah was unable to control or coopt this opposition, which expanded and radicalized, developing into a full-fledged revolutionary movement by 1978.[8]

Finally, there is Brazil, which can now be classified as a success. Brazil's liberalization was begun by General Ernesto Geisel in 1974 under the label *distensao*, or decompression. Geisel's first step was to permit an opposition party, the Brazilian Democratic Movement (MDB), to compete in congressional elections in that year; and the MDB did surprisingly well. In 1975 Geisel dismissed a general for abuses that had taken place under his command and made considerable progress in curbing violations of human rights. After a temporary reversal in 1977, Geisel began to dismantle the legislative underpinnings of the military dictatorship, the Institutional Acts, in 1978. General Joao Baptista Figueiredo succeeded Geisel in January 1979 and continued the policy of gradual liberalization. By 1980 the

[7] My sources on Hungary are Ferenc Vali, *Rift and Revolt in Hungary* (Cambridge, Mass.: Harvard University Press, 1961); Paul Zinner, *Revolution in Hungary* (New York: Columbia University Press, 1962); and Paul Kecskemeti, *The Unexpected Revolution* (Stanford, Calif.: Stanford University Press, 1961). The shifts in Soviet policy in Hungary are attributed to the political competition in the Kremlin in Charles Gati, "Imre Nagy and Moscow, 1953–56," *Problems of Communism* 35 (May-June 1986).

[8] John Stempel, *Inside the Iranian Revolution* (Bloomington: Indiana University Press, 1981).

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last of the political prisoners had been freed; direct municipal, congressional, and gubernatorial elections were held in 1982; and finally in 1985 Brazil's Electoral College ended the period of military rule when it chose a member of the opposition party as president.[9]

Thus, among these four cases we see two relatively successful liberalizations—Brazil and Spain—and two that ended in disaster—Hungary and Iran. What explains the difference? At least five factors come to mind: the nature of the opposition; the regime's past, that is the evils it has committed; the state of the economy as liberalization takes place; the role played by outside powers in the process; and the tactics used by the regime. I propose to take these up in turn.

The Opposition

From the government's standpoint, liberalization would probably be easiest if its opposition were weak and moderate, and most difficult if it were strong and radical. ("Moderate" here would imply that the opposition would be willing to settle for modest improvements, more willing to wait for the government to proceed to see what will develop, and less likely to resort to violence.) Any number of things could affect the disposition of the regime's opponents, but two would seem to be especially important. One would be the personal qualities of the opposition's leadership. Some people would be inclined, for personal reasons, to seek confrontation with the government, others to seek accommodation. One obvious case in point would be the Ayatollah Ruhollah Khomeini, who lost a son in what he assumed was a government-sponsored assassination, and later stubbornly opposed any suggestion of compromise with the shah during the revolution. In addition, the leaders of some oppositions are able to overcome the differences between themselves, or at least paper them over for the time being, while others cannot stop quarreling and thereby reduce their effectiveness. The Spanish exiles, for example, were not able to overcome the divisions between Communists and non-Communists in the early years and failed to form a government in exile, which would have improved their chances of attracting foreign assistance considerably. The clash between the Communists and non-Communists (as well as other divisions) continued to bedevil the Spanish opposition's efforts later.[10]

The country's political culture probably also influences the mood of the opposition in an important way. Various observers have speculated that Iranians may still be influenced to an important extent by their Zoroastrian beginnings. It is possible that the Manichean belief in extremes of good and evil made it difficult

[9] David Fleischer and Robert Wesson, *Brazil in Transition* (New York: Praeger, 1983), 39–40; Wayne Selcher, "Contradictions, Dilemmas, and Actors in Brazil's *Abertura* 1979–1985" in Selcher, ed., *Political Liberalization in Brazil*, 60.

[10] Kenneth Medhurst, *Government in Spain* (New York: Pergamon, 1973), 35; David Gilmour, *The Transformation of Spain* (London: Quartet Books, 1985), 95, 100–1, 104; Herr, *Spain*, 231; Linz, "Authoritarian Regime," 222–3.

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for Persians to conceive of their opponents in less than satanic terms, and thus has made compromise difficult.

The political culture of Brazil appears to be much different, both among political elites and the masses. Brazilian elites have long prided themselves on their pragmatism and adaptability, so much so that the word "Machiavellian" is not necessarily pejorative in Brazil. Brazilians of the lower class emerged from one recent study as remarkably patient and longsuffering. The urban slum dwellers interviewed by Janice Perlman in the early 1970s credited the government with the intention of "doing its best to understand and help people like themselves" and seemed to possess "the aspirations of a bourgeoisie, the perseverance of pioneers, and the values of patriots." If this is so, one would expect liberalization to go more smoothly in Brazil than Iran, other things being equal.[11]

To some extent, then, the prospects for political decompression are affected by accidents of personality and political culture that are beyond the control of the liberalizing leaders. But the opposition to autocratic governments does not evolve in a vacuum. The next question we must ask, then, is to what extent the actions of the regime, both in the past and as liberalization is underway, shape the sort of opposition that it has to deal with.[12]

The Shadow of The Past

Let us consider first the question of how bad the dictatorship was at its height and what effect this may have later. In both Spain and Hungary, repression took place on a massive scale. The victors in the Spanish civil war placed about 270,000 Republicans in prison camps by 1940. Many of the prisoners died of disease or malnutrition, and of those released some 140,000 were assigned the status of conditional liberty, a kind of political parole that strictly circumscribed opposition activity.[13] But the victors in the civil war were not content merely to jail the defeated. Exactly how many victims the repression eventually claimed is still a matter of dispute. The most conservative estimate is that of Ramón Salas Larrazabal, who states that 16,763 were shot in 1939 and 1940. Others have maintained that as many as 200,000 may have died as a result of the Nationalist repression after the civil war, in addition to the 200,000 executed during the conflict.[14]

[11] Peter McDonough, *Power and Ideology in Brazil* (Princeton, N.J.: Princeton University Press, 1981), 14; Janice Perlman quoted in Riordan Roett, *Brazil: Politics in a Patrimonial Society* (New York: Praeger, 1978), 51; Marvin Zonis, *The Political Elite of Iran* (Princeton, N.J.: Princeton University Press, 1971), 73–5; Cuyler Young, "Iran in Continuing Crisis," *Foreign Affairs* 2 (January 1962): 285–6.

[12] The contributors to the Dahl, ed., *Regimes and Oppositions* volume also raise this issue, though they provide somewhat different answers than I. See Linz, 221, 237, 257; and Dahl, 4, 13.

[13] Linz, "Authoritarian Regime," 230–1; Herr, *Spain*, 212; Payne, *Franco's Spain*, 109–112; Gabriel Jackson, *The Spanish Republic and the Civil War 1931–39* (Princeton, N.J.: Princeton University Press, 1965), 537.

[14] Ramon Salas Larrazabal, *Perdidas de la Guerra Civil* (Barcelona: Editorial Planeta, 1977), 387–338, 428–429. The higher estimates are from Elena de la Souchere, *An Explanation of Spain* (New York: Random House, 1964), 250–252; and Jackson, *Spanish Republic and Civil War*, 563–569.

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In Rakosi's Hungary, the situation was equally grim. The regime's determination to expand industry at all costs led to a fall of living standards of 15–20 percent, as well as chronic shortages in urban areas. Nearly one-third of the farms were collectivized by 1953, precipitating a decline in food production, which along with the forced requisitions created conditions of near starvation in the countryside. Rakosi's rule was buttressed, as elsewhere, by secret police terror. His AVH (State Security Authority) not only employed 100,000 policemen directly, but also created a vast network of informers and spies. Between 150,000 and 200,000 people were held in forced labor camps at the nadir of the repression in the early 1950s. It is thought that about 2,000 victims were shot immediately; many more died under torture or in the camps, but the exact number is not known. As in the USSR, purges were employed against the Communist party itself. Rakosi purged 200,000 members of the Hungarian party, the most famous of whom was the former interior minister, Laszlo Rajk. Rajk was arrested in 1949 and put through a show trial reminiscent of Stalin's productions of the 1930s in which fabricated evidence was introduced linking the victim to a plot with "foreign imperialists" to restore capitalism in Hungary. Rajk and some others were hanged 15 October 1949, and a reign of terror against much of the Hungarian party followed. [15]

The shah of Iran's regime was somewhat less brutal than these, but still relied heavily on the mailed fist. Amnesty International (AI) reported in the mid-1970s that the shah held between 25,000 and 100,000 political prisoners. Torture was practiced "routinely" during interrogation, and political enemies were also executed frequently. (AI knew of fifteen in the first two months of 1976.) Further, the repression was directed even at nonviolent opposition.[16] In particular, the regime had turned its attention toward the clergy in the early 1970s. In the years that followed, the secret police infiltrated mosque meetings; the clergy's lands were expropriated; and mullahs were arrested, imprisoned, and even executed "regularly," according to Iran specialist James Bill. This intensification of repression, Bill has concluded, gave Iran's Shi'ite clergy little choice but to fight back to insure their survival.[17]

Brazil is clearly the mildest dictatorship of the four. The Institutional Acts declared by the military in the early years of their rule allowed the government to suspend the political rights of those they considered dangerous and dismiss elected officials without replacing them. 1,577 Brazilians were punished in this way, including six senators and 110 deputies, which reduced the Congress to a rubber stamp by 1970. Like many of its neighbors, Brazil faced a growing threat from urban terrorists at this time, and the military dealt with it successfully by making a preemptive sweep in November 1970 in which 5,000 to 10,000 suspects were ar-

[15] Vali, *Rift and Revolt*, 82–84, 87, 59–64; Kecskemeti, *Unexpected Revolution*, 41, 18. The figures on the AVH and the numbers killed and imprisoned are taken from David Pryce-Jones, *The Hungarian Revolution* (London: Ernest Benn Ltd, 1969), 41, 43.

[16] Amnesty International, *International Report*, 1975–1976, 182–188.

[17] James Bill, "Power and Religion in Revolutionary Iran," *Middle East Journal* 36 (Winter 1982): 24–28.

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rested. The number of "disappeared," however, was much less than elsewhere—thirty-five in 1971, nine in 1975, and none afterward. Also, it should be noted that the foundations of the economic miracle of the later 1960s were laid by an austerity policy that reduced the minimum wage 20 percent in real terms in the mid-1960s and sharply increased the inequality of income.[18]

What, then, is the relationship between a regime's past and its prospects for liberalization? It would certainly be plausible to assume that the worse the degree of repression, the more difficulty a government would have in letting up. But this seems not to be the case. Liberalization failed in an extremely harsh dictatorship, Hungary, but succeeded to some extent in Spain, which was scarcely any better. Liberalization worked best in the mildest dictatorship, Brazil, but broke down in Iran, where the abuses were not as great as in Hungary or Spain. The relationship is evidently more complicated than one would imagine. A partial answer is provided by Machiavelli: " . . . one ought to be both feared and loved, but as it is difficult for the two to go together, it is much safer to be feared than loved, if one of the two has to be wanting."[19]

Brutality practiced on the scale of a Rakosi or a Franco obviously creates hatred for the perpetrators, but it also creates fear. From the perspective of the tyrant, things may go reasonably well as long as the fear is greater than the hatred. We can be quite certain that the peoples of Spain and Hungary were in no hurry to repeat the experiences of the civil war and Stalinism. Writers on Spain have stressed that the most important explanation of the stability of the 1950s under Franco was the desire of most of the Spanish to avoid another civil war. Franco did not enjoy enthusiastic support at this time by any means, but the public mood was more one of apathy than seething discontent.[20] In Hungary, most scholars, though sympathetic to the 1956 revolution, admit that there was little evidence of popular discontent until quite soon before the revolution's outbreak.[21]

In other words, large-scale terror may create political stability by cowing the

[18] Peter Flynn, *Brazil: A Political Analysis* (Boulder, Colo.: Westview Press, 1978), 385–87; Howard Handelman and Thomas Sanders, eds., *Military Government and the Movement toward Democracy in Latin America* (Bloomington: Indiana University Press, 1981), 192, 196, 151; *New York Times,* 26 March 1978. Brazil's population in 1966 was 83 million; Iran's in 1980, 38 million; Hungary's in 1950, 9 million; and Spain's in 1939, 25.5 million. Hence, Rakosi jailed 1.5 percent of his country's population, while Franco jailed 1 percent and did away with perhaps .5 percent (assuming Elena de la Souchere's figures are roughly accurate and that many of the deaths above the 84,000 figure were caused by disease.) The shah, in contrast held no more than .3 percent of the population in prison, and in Brazil the figures were miniscule in comparison to the other cases, especially the first two. Population figures taken from Arthur S. Banks, et al., assemblers, *Cross-Polity Time-Series Data* (Cambridge, Mass.: MIT Press, 1971).

[19] Machiavelli, *The Prince*, Luigi Ricci, trans. (New York: Random House, 1950), chap. 17.

[20] See Herbert Matthews, *The Yoke and the Arrows* (New York: Braziller, 1961), 120–1; Carr and Fusi, *Spain*, 135–6, 47; Payne, *Franco's Spain*, 117, 119; Gilmour, *Transformation of Spain*, 17, 24; Linz, "Authoriarian Regime," 181–182.

[21] Kecskemeti, *Unexpected Revolution,* 117.

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public for some time to come. It may also stabilize the situation by eliminating the potential leadership of the opposition. Franco's terror of the 1940s drove many of the surviving opposition leaders into exile, where they never managed to overcome their divisions. The repression that continued at home was extremely effective; in 1953 the entire leadership of the Socialist underground was arrested. And the opposition never regained a firm toehold within Spain.[22]

The shah, on the other hand, harassed the Shi'ite clergy cruelly throughout the 1970s, but never eliminated the mosque network. The mosques remained, as one opposition leader recalled, "sanctuaries where we met, talked, prepared, organized, and grew."[23] Whatever the shah's intentions, Iran never became a totalitarian society. This brings to mind another admonition from Machiavelli:

> enemies . . . must either be destroyed, or conciliated by benefits. Any other course will be useless; and above all, half measures should be avoided, these being most dangerous, as proved by the Samnites, who, when they hemmed the Romans in between the Caudine forks, disregarded the advice of an old man, who counselled them either to let the Romans depart honorably, or to kill them all. And by taking the middle course of disarming them and obliging them to pass under a yoke, they let them depart with shame and rage in their hearts.[24]

The regime's past is important in one other respect. The ruler or rulers may inherit what we might call skeletons in the closet, that is, acts of which the public is unaware, which could be extremely damaging if they were to become known. In a creditable effort to make amends and serve justice, a government might unintentionally deal itself a mortal blow. In Hungary, Imre Nagy got Moscow's permission to release the remaining Communist political prisoners, though thousands of non-Communists still languished in jail. This was perhaps the most important single precipitant of the revolution. The tales told by those released evoked a strong sense of shame among many Hungarian intellectuals who had previously lent their services to the government in writing apologies for Rakosi's brutality. The intellectuals became the strongest defenders of Nagy's new course and the focus of the opposition once Rakosi returned to power. In addition, Moscow inadvertently created even greater problems for Rakosi later in forcing him to admit publicly that Rajk had been framed.[25]

One solution to this problem, other than continuing to keep the skeleton in the closet, is to satisfy the public's demand for justice by conspicuously punishing someone who can be held accountable for the past abuses. Machiavelli gives a

[22] Matthews, *Yoke and Arrows,* 120–1; Carr and Fusi, *Spain*, 135–136, 47; Payne, *Franco's Spain*, 117, 119; Gilmour, *Transformation of Spain*, 83–84.

[23] Sapehr Zabih, *Iran's Revolutionary Upheaval* (San Francisco: Alchemy Press, 1979), 20.

[24] Machiavelli, *Discourses*, Christian Detmold, trans. (New York: Random House, 1950), Book II, chap. 23; also Book III, chap. 40.

[25] Kecskemeti, *Unexpected Revolution*, 44–45; Vali, *Rift and Revolt*, 133, 143–150; Zinner, *Revolution in Hungary*, 170.

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cynical account of this strategy in chapter 7 of *The Prince*, where he describes how Remirro de Orco was made to serve as a fall guy for Cesare Borgia. On this point, though, Machiavelli is less convincing. The shah hoped to appease the public in 1978 by sacrificing General Nematollah Nassiri, the head of the secret police, but the tactic backfired, demoralizing the shah's supporters more than it satisfied the public. The reasons are not far to seek: Iranians held the shah, not Nassiri, responsible for what had happened. If a man is to play the role of fall guy, the role must be more convincing.[26] On the other hand, situations where a change of personnel takes place within a regime are at least potentially manageable. If the Russians, for example, had demanded that Nagy give Rakosi a punishment of appropriate severity, they might well have headed off the Hungarian revolution.

The Economy

How does the state of the economy affect the prospects for liberalization? Again there is an obvious and plausible hypothesis: liberalization is more likely to go smoothly during a time of prosperity. The experience of Spain lends some support to this notion. The Spanish economy did not recover from the ravages of the civil war in the 1940s, and much of the population continued to live at a subsistence level. Production remained only 70 percent of what it had been in the republic. The vivid memories of the civil war and fear of Franco's security forces kept the lid on for many years. But opposition finally broke out in 1951, when a general strike in Barcelona triggered a wave of protest elsewhere. Luckily for the regime, the economy began improving the next year, and Spain enjoyed prosperity for the rest of the decade. Most scholars think that the favorable economic climate had much to do with the apathetic mood of Spain in the 1950s and may have given the regime the confidence to undertake the mid-1960s liberalization measures.[27]

Prosperity has two possible disadvantages, however. The first is that it brings tight labor markets that may tempt labor to take advantage of its increased leverage to wring more from management by the use of strikes. Franco did face some trouble temporarily in the mid-1950s when workers in a number of cities braved the regime's prohibition on strikes. That crisis was defused by the granting of enormous wage increases that led to serious inflation by the late 1950s. The government arrested the inflation by imposing a stiff austerity program in 1959, laying the foundation for a sustained boom that lasted till the early 1970s. In the next decade, industrial production tripled, and the gross domestic product (GDP) per capita rose from $300 to $2446 (1957–1974). Once again, prosperity increased the militance of the Spanish working class. Strikes for economic motives were eventually legalized, and in the 1970s Spain became one of the five most strike-prone nations in Europe (measured in days lost), ranking along with Britain and Italy.[28]

[26] Stempel, *Inside the Revolution*, 100–102, 133.
[27] Herr, *Spain*, 221, 233–235, 242, 284.

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It could be argued, however, that the increase in striking posed no threat to the regime and in fact may have helped stabilize it. Most of the strikes concerned economic or labor questions such as wages, working conditions, benefits, or the election of union officials. Few of them were directed toward broader political issues, and the workers remained largely apathetic about politics. (A poll conducted in 1973 found that only 12 percent of them could be classified as "very interested" in politics.) The apathetic mood of the Spanish workers was a severe handicap to opposition organizers.[29]

The second danger of prosperity is one identified first by Tocqueville and restated more recently by James Davies.[30] The risk is that good times will generate rising expectations, creating great danger for the regime should the economy fail temporarily. According to this J-curve theory, those countries suffering an economic decline after a prolonged period of prosperity will be the most vulnerable to revolution.

Iran would seem to fit the theory. The shah's liberalization came at a time when Iran's oil boom was ending and his efforts to stem inflation were creating unemployment among the urban masses and resentment among the bazaar, or traditional merchant class. But Generals Geisel and Figueiredo carried out their decompression after the Brazilian economic miracle had failed and the economy was running into its now infamous debt problems, though Geisel may have eased his difficulties to some extent by coupling liberalization with efforts to improve the lot of Brazil's poor. In Spain, as we noted, the general prosperity the country enjoyed was interrupted on two occasions, when the regime imposed an austerity program in 1959 and during the recession of 1967. Both these downturns were preceded by some steps at liberalization, yet in neither case did the liberalization run into serious difficulties. In Hungary, Nagy raised the standards of living some 15 percent by slowing the pace of industrialization and allowing peasants to leave the collectives. When Rakosi returned, he was not permitted by his Soviet sponsors to shift course completely, and things were still better than they had been during Rakosi's first tenure in office.[31]

The J-curve theory may be the best general explanation of the relationship between the state of the economy and political stability, but it seems to be a relatively poor predictor of the fate of liberalization. Overall, the effects of the economic situation on liberalization have been uneven and less important than one might have guessed. Uninterrupted prosperity is preferable to anything else, but improved economic conditions did not save the situation in Hungary and the worsening conditions did not prevent the Brazilian decompression from succeeding.

[28] Ibid., 256, 259; Coverdale, *Political Transformation of Spain*, 1, 12; Linz, "Authoritarian Regime," 234.

[29] Coverdale, *Political Transformation of Spain*, 12; Amodia, *Franco's Political Legacy*, 150–3; Medhurst, *Government in Spain*, 35, 38.

[30] James Davies, "Towards a Theory of Revolution," *American Sociological Review* 27 (February 1962): 5–19.

[31] Vali, *Rift and Revolt*, 164–165, 133, 174–175; Zinner, *Revolution in Hungary*, 177.

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The Role of Outside Powers

A fourth possible explanation, and an important one, is the role played by foreign allies of the regime. The two most successful cases, Brazil and Spain, are instances where liberalization proceeded with relatively little outside interference; in Hungary and Iran, Moscow and Washington played a significant role in the events, much to their regret later.

Outside powers may affect the course of liberalization in two ways. They may alter the expectations of the public about what the government will tolerate, or they may constrain the government, either actively or unintentionally, and thus weaken its ability to deal with growing opposition. The Soviets in Hungary and the United States in Iran produced both effects.

One of the turning points in Hungary was Nikita Khrushchev's secret speech, in which he condemned Stalin's purges on the grounds that they had weakened the Communist Party of the Soviet Union (CPSU). Prior to the speech, Hungarian intellectuals had hesitated to attack Rakosi for fear of being branded "antiparty." The speech was interpreted in Hungary as a green light to speak freely about the abuses that had taken place under Hungary's version of Stalin. Criticism intensified in 1956 to the point where one writer was likening Rakosi to Judas, and the noted Marxist philosopher Gyorgy Lucacs was speaking of the "bankruptcy" of Hungarian Marxism.[32]

By this time the intellectuals were beginning to attract a popular following, and Rakosi was becoming concerned. The one virtue of liberalization from the tyrant's perspective, as Mao Zedong showed in the "Hundred Flowers campaign," is that it encourages one's enemies to make themselves visible. In late June, Rakosi drew up an enemies list of four hundred names and proposed that they be arrested as soon as possible. But on 17 July, Anastas Mikoyan, Soviet leader, arrived in Budapest and bid Rakosi step down. Rakosi's successor, Gero, made a few concessions and did not deliver the crushing blow Rakosi had planned, presumably because of the Russians' objections. In the view of Paul Kecskemeti, Rakosi probably could have broken the revolutionary momentum if he had been allowed by the Russians to work his will. In staying his hand, the Russians created a crisis that only the Red Army could resolve to Soviet satisfaction.[33]

Shaul Bakhash has reminded us that notwithstanding the polemics of certain critics of the Carter administration, the shah, not Jimmy Carter, lost Iran.[34] Bakhash is right, but the American role was still significant, if less important than the Soviet role in Hungary. First, the Carter human rights policies did encourage

[32] Zinner, *Revolution in Hungary*, 203; Vali, *Rift and Revolt*, 224–225; Kecskemeti, *Unexpected Revolution*, 69–70.

[33] Vali, *Rift and Revolt*, 233–234, 244–245, 254–257; Zinner, *Revolution in Hungary*, 227; Kecskemeti, *Unexpected Revolution*, 76; Paul Kecskemeti, "Limits and Problems of Decompression," *Annals of the American Academy of Political and Social Sciences*, May 1958, 105.

[34] Shaul Bakhash, "Who Lost Iran?" *New York Review of Books*, 14 May 1981.

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the shah's opposition. For evidence on this point, we need only consult the opposition members themselves. As Mehdi Bazargan, the puppet head of Khomeini's first government, has said, "[the revolution] was the result of 25 years of cruelty, oppression, and corruption. We did not believe the shah when he started the liberalization policy, but when Carter's human rights drive lifted the hope of the people, all the built up pressure exploded." Karim Sanjabi, a veteran National Front leader, told a journalist that "President Carter's words on human rights were what originally raised the people's hopes and gave them courage to defy the dictatorship." Richard Falk, a vocal critic of American foreign policy, reports that he was told on a visit to Iran that the religious opposition was also emboldened by the human rights policy.[35]

The effects of President Carter's policy on the shah are somewhat more difficult to gauge. According to one account, the shah is said to have complained during the crisis in 1978, that "the Americans will not give me a free hand to settle this crisis in my own way." In his memoirs, he suggests that the United States "wanted me out" after a point.[36] On the basis of such statements, some critics of the Carter administration have contended that the United States demoralized the shah and prevented him from taking firm action to contain his opposition. On the other hand, former government officials have pointed out that President Carter praised the shah effusively during his January 1978 visit to Iran and made declarations of support so frequently during the revolution that the shah actually requested Washington to ease up at one juncture.[37] I will not attempt to resolve this dispute here. My own view is that Ambassador William Sullivan's inability to confirm the statements of support from Washington (because he had no clear instructions to do so) probably did shake the shah's confidence. But it is also true that the shah undertook liberalization largely on his own initiative, without any clear roadmap and without the willingness he had shown in 1963 to shed blood to save his throne. As Sullivan has explained, the shah's illness not only reduced his effectiveness as an executive, but also increased his inhibitions about the use of force. Facing death, the shah did not want to be remembered as a sanguinary tyrant and did not use force as freely as he had in 1963, when an estimated 1,000 supporters of Khomeini died in an unsuccessful revolt.[38]

One effect of the human rights policy is indisputable, however. The Human Rights Bureau in the State Department embargoed riot control equipment to Iran for several months in 1978, and the equipment was missed. The Japanese ambassador

[35] *Christian Science Monitor*, 6 June 1978; *New York Times*, 9 July 1978; Sharif Arani, "Iran," *Dissent* 27 (Winter 1980): 14; Herman Nickel, "The US Failure in Iran," *Fortune*, 12 March 1979, 98; Zabih, *Iran's Revolutionary Upheaval*, 49.

[36] William Lewis and Michael Ledeen, *Debacle* (New York: Knopf, 1980), 143–144, 153; William Sullivan, *Mission to Iran* (New York: Norton, 1981), 168, 191–192, 204, 156–157; Mohammad Reza Pahlavi, *Answer to History* (New York: Stein & Day, 1981), 161, 164–165.

[37] Confidential interview with a Carter administration official.

[38] See the shah's own comments, *Answer to History*, 167; also Sullivan, *Mission to Iran*, 167–168, 188.

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remarked during the crisis that "the Tokyo riot squad could handle any disturbance in this country with their duty squad." Lacking such equipment and training, the shah's forces had a choice between firing on the demonstrators or firing over their heads.[39]

Tactics

Particularly in the case of Hungary, the influence of foreign powers is related to the last and most important factor—the judgment and skill of the leadership in dealing with the risks it inevitably runs in easing repression. Liberalization creates at least three dangers for the government: the slackening of controls may allow the opposition to operate more effectively; the people may begin to anticipate further change at a faster rate than the regime can deliver it or set higher standards for the government; and the public and the opposition may lose their fear of the regime and risk acts of defiance that would have been considered too dangerous before. The fundamental dilemma faced by liberalizing autocrats is how to hold these dangers in check without damaging the credibility of liberalization. If the regime is too cautious, the people may become cynical about the prospects for improvement; if the regime loosens the reins too quickly, the process may run out of control. The ability of the government to cope with this dilemma is the key to the success or failure of liberalization.

These dangers are all too apparent in the cases discussed here. In Hungary destalinization led to the alienation of most of the intellectuals, who became the cutting edge of the revolution. In the view of one American official in Teheran, the changes introduced by the shah "led to the rebirth of the revolutionary movement." Far from appeasing the opposition, "increased political leeway encouraged [it] to press for even more."[40] In Brazil, General Geisel was rewarded for his willingness to permit an opposition to run in the 1974 congressional elections by a defeat for the governing party.[41] Liberalization, then, often leads to a strengthening of the opposition, at least in the short run. If liberalization is to continue, the government is going to have to develop some strategy for dealing with this.

Franco's solution was to permit significant liberalization in some areas but not in others, and in general to err on the side of caution. Specifically, controls were lifted on the press and unions, but the opposition was not permitted to operate freely until the 1970s. Originally, the Falangists had hoped to overcome class struggle by creating syndicates where representatives of labor and management would meet to achieve both justice and productivity. Labor gave up the right to strike or organize independent unions under the plan, but was to be compensated by restrictions on management's rights of dismissal. The Labor Ministry saw that the workers' interests were not ignored totally, but in practice the denial of the right to strike

[39] Stempel, *Inside Iranian Revolution*, 92, 133–134; Sullivan, *Mission to Iran*, 168.
[40] Stempel, *Inside Iranian Revolution*, 37–38; also 56, 288.
[41] Handelman and Sanders, *Military Government*, 151, 153.

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and the system of indirect elections meant that the system functioned more as a means of control than of representation for the workers. It did not win their confidence.[42] In the late 1950s, two changes were made. Larger numbers of *enlaces*, the representatives directly elected by the workers, were created, and a form of collective bargaining was introduced at the local level. In the mid-1960s, the *enlaces* were instrumental in forming the independent worker's commissions that were the motive force behind the resumption of strike activity. The government declared the commissions illegal and arrested the leaders, but was unwilling or unable to suppress them and ended up with a great increase in the number of strikes. As I argued above, however, this may not have been an entirely bad thing from the regime's perspective, since the commissions' efforts went mostly into economic, not political protests.[43]

Franco tried harder and was more successful in preventing the growth of overtly political opposition. *FET y de las JONS* continued to be the country's only legal political organization, and the ban on competing parties was enforced. However, the regime permitted opposition moderates to conduct political discussions in their homes, travel inside and outside the country, and publish abroad and eventually at home as well. Thus the moderates came to enjoy a sort of twilight existence that Juan Linz has characterized as "alegal." Far from endangering the regime, the limited toleration afforded the alegal opposition, in Linz's view, actually helped undercut support of the opposition. As he put it in 1973:

> Their freedom permits their activity to be visible to the government but not necessarily to any large constituency, and this allows the government to co-opt and corrupt them, to know their weaknesses and failings. On the other hand, this freedom creates a subtle gratitude and dependence on those in power that limits their contestation activities. This in turn transforms them, in the view of many opponents of the system, into a sham opposition, [which] weakens their legitimacy as an alternative.[44]

For the opposition that the regime considered more dangerous, there was still repression. In the regime's later stage, the methods were not extremely harsh, especially by the standards set earlier. By the 1960s, "only the most active and directly subversive political opponents were arrested; almost none were shot," as one observer explained. The mature dictatorship had a variety of other means at its disposal to keep opponents in line – revoking drivers licenses, interfering with careers, etc. So Franco could afford to forego some of the old brutality. In its immediate purpose, the repression was effective: the Socialist party, which was to play a leading role later, had virtually no organization inside of Spain at the time of the dic-

[42] Medhurst, *Government in Spain*, 33–35; Amodia, *Franco's Political Legacy*, 147–149; Coverdale, *Political Transformation of Spain*, 17.

[43] Medhurst, *Government in Spain*, 36; Herr, *Spain*, 14–15. The regime did crack down on the Worker's Commissions after a large scale protest in 1967, however. The PCE had infiltrated the bodies by that time. Gilmour, *Transformation of Spain*, 93.

[44] Linz, "Authoritarian Regime," 220, 216–219.

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tator's death. But Franco's reliance on apathy and demobilization as a means of achieving stability also meant that the regime did not put down deeper roots.[45]

In the late 1960s, two years after the most dramatic moves toward the liberalization the regime was to make, Spain began experiencing the same unrest as much of the rest of West Europe. Basque terrorists began a campaign of sabotage, armed robbery, and assassination in 1968. Franco responded by declaring a "state of exception" (exempting the authorities from the guarantees against arbitrary arrest promulgated in 1945) in the province of Guipuzcoa. At the same time, a number of opposition groups lodged protests over the remaining parts of Franco's repressive apparatus. 1,300 intellectuals signed a petition decrying the use of torture by the police, women relatives of the jailed leaders of the Workers Commissions held sit-ins in churches in the large cities, and lawyers' associations in Madrid and Barcelona called for the abolition of the special courts used for political cases. Finally, in January 1969 a severe wave of student protest broke out at the University of Madrid. On the 24th, Franco extended the state of exception to the entire country. The harsh measures contained the protest, but in one observer's words, "the state of exception was a catastrophic blow to the [regime's] long efforts to achieve legitimacy . . . Franco's government had proved far more dramatically than the opposition that the country was still a police dictatorship."[46]

If Franco's liberalization failed to win over the public and build enough support to allow the regime to survive the death of its founder, at least it prevented the worst from happening from the regime's standpoint. In Hungary, Soviet policy was so poorly conceived that it transformed what may well have been a manageable situation into a revolution. The first mistake was in replacing Nagy at a time when his New Course seemed to be winning some support for the regime.[47] Next, having brought back to power a man many Hungarians perceived (quite correctly) as a murderer, the Russians failed to exploit the one asset Rakosi possessed—his ability to strike fear into the hearts of potential opponents. According to Paul Kecskemeti: "[The revolution] was a delayed reaction to all the negative experiences of the past, a reaction released when elements of weakness appeared in the image of the regime.[48] That the people of Hungary bore the Communist regime immense hatred is amply evident from the spontaneous attacks on all symbols of Communist authority that broke out in Budapest in the summer of 1956.[49] But the Hungarians dared to express this only after the Russians tied Rakosi's hands.

The Soviet constraining of Rakosi was important in a more specific sense. One thing a liberalizing government must guard against is the spread of disaffection from limited "elite" groups to a broader audience. The effects of the easing of

[45] Carr and Fusi, *Spain*, 165, 46, 181; Coverdale, *Political Transformation of Spain*, 18.

[46] Herr, *Spain*, 285–6; see also Medhurst, *Government in Spain*, 52.

[47] Kecskemeti, "Limits and Problems of Decompression," 105; also Kecskemeti, *Unexpected Revolution*, 117.

[48] Kecskemeti, *Unexpected Revolution*, 117.

[49] Vali, *Rift and Revolt*, 268–269; Kecskemeti, *Unexpected Revolution*, 111.

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censorship in Spain, for example, were offset by the regime's continued control over television, which reached a much wider audience than the print media. When controls were lifted on censorship of the press in Brazil in 1978, articles began appearing on torture and other abuses of power earlier. But as in Spain, television and radio remained under close government supervision, so the damage was contained.[50] In Hungary, the ferment began with the intellectuals at a time when the public was sullen but quiescent. The two major forums for the intellectuals became the Petofi Circle, a debating club that Rakosi permitted within the Federation of Working Youth, and *Irodalmi Ujsag*, the official literary journal. By the summer of 1956, the previously innocuous publication was selling out on the newsstands and the Petofi Circle was drawing crowds in the thousands to its meetings. Either Rakosi was slow to grasp the importance of these developments or the Russians again held him back. In any case, these two maverick Communist institutions played a key role in the transmission of ideas from the intellectuals to the people as a whole. By June a "revolutionary spirit" was taking hold of the entire country. As Khrushchev remarked later, "if ten or so Hungarian writers had been shot at the right moment, the revolution would never have occurred."[51] Finally, Khrushchev's success in defusing an equally threatening situation in Poland suggests that the Soviets missed one last chance to stave off the tragedy of 1956 when they brought in Gero, a man closely associated with Rakosi, rather than returning Nagy to power.[52]

Perhaps more than any other case, the shah's failure illustrates the difficulties a ruler faces in mixing concession and repression, for where some leaders might have alienated the opposition in trying to control their protests and others might have lost control in attempting to win them over, the shah managed to do both simultaneously. As of August 1977, Iran's future was still open.[53] Only the far left and a few extremists in the clergy ruled out compromise with the government. The moderate opposition was still suspicious, but had convinced the radicals to abstain from violence while they explored the possibilities for peaceful change. Unfortunately, the government took a number of steps in late 1977 that undercut the moderates. The first was the arrest of a Teheran ayatollah, Mahmoud Taleqani, in August. Taleqani was tried secretly, contradicting the earlier pledges that trials would now be held in public. Throughout the early fall, the dissidents succeeded in attracting growing numbers of people to their meetings. The regime's response was uneven. SAVAK monitored all the meetings, but sometimes broke them up, and sometimes did not. After some of the gatherings were vandalized, the police were told to "control" the meetings but not "disrupt" them. Finally, in

[50] Amodia, *Franco's Political Legacy*, 187; Robert Levine, "Brazil's Definition of Democracy," *Current History* 76 (February 1979), 83.

[51] Zinner, *Revolution in Hungary*, 140, 205–210; Vali, *Rift and Revolt*, 220, 228–231. Khrushchev quote from the epigraph in Ned Barber, *Seven Days of Freedom* (New York: Stein & Day, 1974).

[52] Kecskemeti, "Limits and Problems," 105; Kecskemeti, *Unexpected Revolution*, 117.

[53] I am adopting the interpretation of John Stempel, *Inside Iranian Revolution*, 38–39, 265, 99.

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late November, 200 government goons arrived at a large gathering at the home of a moderate leader and roughed up the guests. According to John Stempel, "the attack helped to destroy the hope of moderate dissidents that there could be evolution to an acceptable political society." The last straw for many moderates was the massacre at Jaleh Square on 8 September 1978, when government forces fired on a large crowd that refused to disperse, killing approximately 300 to 400. After the massacre, several of the moderates began to say that the shah would have to go. Over the next two months the monarch offered the moderate opposition the opportunity to form a cabinet as long as it was done under his aegis. He found no takers.

While a number of the shah's acts offended the moderates, the shah managed at the same time to strengthen his most implacable enemies. One example of this was his release of political prisoners at the height of the crisis. Not only did the release, as in Hungary, lead to increased public awareness of past abuses, it also provided the extremists with new leadership. Included in the 1,500 that were set free were Tudeh union officials who played a key role in organizing the crippling strikes that were so important to the revolutionary cause and guerilla leaders who mobilized their forces for the decisive street fighting.[54]

But the shah's cause was lost, more than for any other reason because the monarch was unable to use force effectively to curb the extreme opposition. During the summer of 1978, the regime practiced exactly the sort of half measures Machiavelli cautions all rulers to avoid. SAVAK and other security forces would crack down on rioters one day and free them the next, reinforcing their hatred of the regime without precluding them from venting it. At two decisive points later—the declaration of martial law in September and the formation of a military government in November—the opposition drew back to avoid a confrontation with the armed forces. Despite Khomeini's braggadoccio, the opposition seemed in no hurry to lay down their lives. But on both occasions, the shah failed to respond firmly. After the disaster at Jaleh Square, the shah told his soldiers not to fire on demonstrators. In November the army was instructed to fire into the air and kill the opposition only in self-defense. The streets were quiet for a time in both cases, but once the army's orders became clear, the opposition lost its fear and began to resume its activities. By December the shah had lost what support he had in public opinion and the morale of the armed forces was cracking.[55]

In Brazil the outcome was entirely different. Some might attribute this to the generals' promises of democratization.[56] It is reasonable to think that when the government claims to be undertaking liberalization to transform and not merely to mitigate the evils of an authoritarian government the public may exhibit greater

[54] Zabih, *Iran's Revolutionary Upheaval*, 56.

[55] Stempel, *Inside Iranian Revolution*, 110–111, 119–121, 134, 153; my own research confirms Stempel.

[56] This explanation was suggested to the author by William Perry and an anonymous reader of the manuscript.

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patience and the process may proceed more smoothly. But these promises were not made in Brazil until after the economy reached its nadir in the early 1980s and cannot account for the success of liberalization up to that point. [57] A better explanation, in my view, is the tactics adopted by the Brazilian leadership.

Throughout 1975–1977, Geisel continued to use the Institutional Acts to deprive opposition figures of their political rights. The progress of decompression in Brazil was so uneven that critics said that the country moved two steps back for every one forward. But Geisel himself had warned that it would be so. The pace, he explained, would be "slow, gradual, and sane" in order to avoid "inconvenient, premature, or imprudent" changes. The use of repression would remain "widespread and flexible." [58] According to David Fleischer and Robert Wesson, Figueiredo adopted a similar approach:

> The process was consequently gradual and limited, subject to a delicate balance between pressures for fuller democracy and fears of a loss of control. Stronger demands, as the parties pushed for ever new concession, and radical speeches, as deputies tested the limits of official toleration, made the government hesitate to grip the reins more tightly . . . President Figueiredo and his ministers continued their commitment to democratization as a necessity for the country; however, Figueiredo wanted to move at his own initiative, not that of Congress, and concessions were to be made on the government's terms.[59]

The Brazilian strategy seemed to be designed to prevent expectations from rising too rapidly and to maintain the people's awe of the government. If the concessions were granted under pressure, the government would seem to be acting from weakness and that could encourage further demands. If the government were seen as acting on its own timetable and not being stampeded, the likelihood was less that the concessions would be destabilizing.

The one danger of this strategy was that the Brazilian public would lose patience with the slow pace of change or lose confidence in the intentions of the leadership. There was, however, one convincing reason for giving the government a chance: the most likely alternative seemed worse. As one opposition member told an American journalist in 1975, "maybe it's better to go along with Geisel's slow decompression than to provoke a new clampdown by the hardliners," and that seemed to be the predominant mood in Brazil at that time.[60] In the 1960s,

[57] Wayne Selcher, "Contradictions, Dilemmas, and Actors in Brazil's Aberture 1975–1985" in Selcher, ed., *Political Liberalization in Brazil*, 57.

[58] Quotes from Handelman and Sanders, *Military Government*, 155, 172–173. Information above from Riordan Roett, *Brazil: Politics in a Patrimonial Society* (New York: Praeger, 1984), 147–148. Riordan Roett agrees, "The message was clear—if there was going to be liberalization, Geisel would orchestrate it." See also, Selcher, "Introduction," 1, 3; Baloyra, "From Moment to Moment," 29–30; and Luciano Martins, "The 'Liberalization' of Authoritarian Rule in Brazil" in Guillermo O'Donnell, Phillippe Schmitter, and Laurence Whitehead, eds., *Transitions from Authoritarian Rule: Latin America* (Baltimore: Johns Hopkins University Press, 1986), 83–84.

[59] Quote from Fleischer and Wesson, *Brazil in Transition*, 41. See also Martins, "The 'Liberalization' of Authoritarian Rule," 85–7.

[60] Fleischer and Wesson, *Brazil in Transition*, 41; *New York Times*, 25 November 1973.

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the military's hardliners had reacted to what they took to be an increase in the threat from the opposition by demanding and getting a severe tightening of the dictatorship by the more moderate President Castello Branco. The hardliners were still a force to be reckoned with in Brazil in the 1970s, and the opposition was well aware of this. This division in the armed forces, then, may have been a boon to decompression in that it allowed Geisel and Figueiredo to proceed slowly enough to maintain control without generating complete skepticism about their ultimate intentions.

Obviously, the existence of a strong threat from the far right is not an unmixed blessing. The colonel's regime in Greece experienced virtually no public dissent from its beginning in 1967 till 1973. In August of that year, Georgios Papadopoulos canceled martial law in Athens, freed several political prisoners, and promised some further steps toward democracy in the future. Three months later, the first outbreak of violent protest since 1967 occurred when students and workers seized control of the Polytechnic University in Athens. Hardline elements under the leadership of Demitrios Ioaniddes decided that liberalization had gone far enough and removed Papadopoulos.[61]

That this did not happen in Brazil was due in large part to the skill of the liberalizing generals. At times Geisel moved aggressively to eliminate possible opponents of his policies, taking commands away from those who opposed his policies or even putting them under protective arrest. A particularly important instance occurred in October 1977 when the minister of the army, a potential hardline rival to Figueiredo, was dismissed in an atmosphere of high tension, though without incident.[62] On the other hand, Geisel was firm enough with the opposition to avoid charges of weakness. In 1977 he adopted the "April Package," which altered the electoral competition to the benefit of the pro-government National Renovating Alliance. The promulgation of the April Package touched off an upsurge in political protest in Brazil and was condemned by representatives from many leading groups in Brazil.[63]

Even so, the success of the Brazilian liberalizers may ultimately have rested on chance. On 30 April 1981, an explosion took place outside a large convention center in Rio de Janeiro on the same day a popular music concert was scheduled, killing an army intelligence officer and severely wounding another. It was rumored in Brazil that the hardliners in the military had intended to stage an apparent terrorist attack during the concert and then use it as a pretext to seize power from Figueiredo. The president preferred not to provoke the hardliners, and no serious investigation of the incident was undertaken. The surviving participant, for example, was never interviewed. The moderate opposition rallied to Figeuiredo, and decompression continued on course.[64]

[61] *New York Times*, 25 November 1973.

[62] Roett, *Brazil*, 147; Levine, "Brazil's Definition of Democracy," 70.

[63] Levine, "Brazil's Definition," 63.

[64] Robert Levine, "Brazil: The Dimensions of Democratization," *Current History* 81 (February 1982), 82; Roett, *Brazil*, 153.

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Conclusion

Liberalization seems most likely to succeed when it is not undertaken under outside pressure, when the economic climate is favorable, when it aims at a transformation of the autocracy and not just its amelioration, and when the regime has avoided the half-measures that Machiavelli warned of. A regime is probably best off when it has as little to apologize about as possible, but rulers that are sufficiently ruthless may enhance the prospects for liberalization in the future by liquidating the opposition thoroughly and instilling terror in their publics. Regimes in which a perpetrator can be identified and punished may have an easier time satisfying their people's desire for justice than ones in which the ruler himself cannot evade responsibility.

All of the factors above, however, are less important than the tactics the government uses in dealing with the question of how to deter and contain protest without destroying the credibility of liberalization. In both Spain and Brazil, the regimes moved slowly and gradually, careful to preserve the image that they were dealing from a position of strength. The liberalizers in the Brazilian military may well have been aided by the visible division in their ranks, with the existence of the hardliners allowing Geisel to escape the blame for the slow pace of decompression.

The history of these four countries thus corroborates Tocqueville's admonition that "the most perilous time for a bad government is when it seeks to mend its ways." But there is also wisdom in John Locke's observation that ". . . Revolutions happen not upon every little mismanagement in public affairs. Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of humane frailty will be born by the People, without mutiny or murmur."[65]

It is still surprising how strong a case one can make that things could have been different in the two cases that I have classified as failures, Iran and Hungary. In both of these, it was only after the government's actions had caused the people to lose *both* their fear and their hope that the people took up arms against their rulers.

The implications of this for the United States and its foreign policy are not obvious. It would be difficult, of course, to interpret the record above as justification for an aggressive human rights policy of the kind advocated by some in the Carter administration. On the other hand, if the Hungarian and Iranian revolutions were brought about to an important extent (though certainly not entirely) by tactical mistakes, our conclusions need not be completely pessimistic about the possibilities of improving conditions in other countries without damaging American interests.

The United States, in my view, need not abandon all efforts to persuade friendly governments to liberalize, but must pursue this aim with a greater understanding of the dangers a bad government faces as it tries to change its ways. In particular,

[65] Alexis de Tocqueville, *The Old Regime and the French Revolution* (New York: Doubleday, 1955), 176–177; John Locke, *Second Treatise* (New York: New American Library, 1965), chap. xix, para. 225.

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Americans must remember that concessions that appear to be made from weakness are more likely to be destabilizing, and that successful liberalization may require some tactical retreats, as it did in Brazil.

It may be said in objection that bad governments deserve to fail and that justice is best served when they do. This is undoubtedly true in some cases. Some of the rulers discussed here probably did deserve to end their days on this earth swinging from a lamp post. But the major moral concern should not be seeing that the leaders get what is coming to them, but rather doing what one can to minimize the suffering of those living under oppressive rule. Here, I only want to remind the reader that revolution is and ought to be a desperate remedy, a means of the last resort. The toll taken in most revolutions in recent history is ample evidence of that. Moreover, history has often mocked those who have given their lives to the cause of freedom by replacing one tyrannical government with another that is no better, and frequently worse. How often has that happened in this century? Russia, China, Cuba, Vietnam, Iran, and now perhaps one or more countries in Central America—the record is not encouraging. In such cases, improvements will be best achieved by a policy of caution and flexibility, and not through a doctrinaire insistence on the immediate elimination of all existing evils.

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The President and the Court: Reinterpreting the Court-packing Episode of 1937

MICHAEL NELSON

On 5 February 1937, Franklin D. Roosevelt, reacting to a long string of Supreme Court decisions that were hostile to the New Deal, asked Congress to empower him to "pack" the Court with as many as six new justices, one for every sitting justice 70 years or older who, having served at least ten years, declined to retire. The proposal was highly controversial from the start, and whatever chance for passage it may have had was lost that spring when the Court abandoned its anti-New Deal posture in a series of cases that was instantly dubbed "the switch in time that saved nine." A watered-down version of the Court-packing plan was tabled into oblivion on 22 July 1937 by a Senate vote of 70 to 20.

In 1939, reflecting on two years experience with a now compliant Court, Roosevelt proclaimed that although he had lost the Court-packing battle, he had won the war. Seventeen years later, James MacGregor Burns concluded that in view of the breakdown of the "Grand Coalition" in the Democratic party that the Court-packing episode had triggered, "it could be better said that he had lost the battle, won the campaign, but lost the war."[1]

[1] James MacGregor Burns, *Roosevelt: The Lion and the Fox* (New York: Harcourt, Brace, and World, 1956), 315.

MICHAEL NELSON is associate professor of political science at Vanderbilt University. He has written numerous articles about American politics and books about the presidency.

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Students of the New Deal era have divided along these lines since 1937, with most arguing that the Court fight was not worth the costs for Roosevelt.[2] But regardless of their position on the controversy, scholars generally have accepted the premises of the Roosevelt-Burns "debate." First, they have examined the Court-packing case on an ad hoc basis, either as an incident in and of itself, or as one to be understood in the context of the Roosevelt presidency. Second, most have analyzed the success or failure of the Court-packing effort in hindsight, that is, in terms of its consequences.

Can the Court-packing episode be understood better if it is studied not solely as a unique historical event or as part of one administration's tenure, but also as a case study of attempted presidential leadership in the cause of dramatic, nonincremental political change? Can Roosevelt's strategy, granted his goal of Supreme Court approval or at least acquiescence in the New Deal, be assessed in terms of the challenges, obstacles, and resources he faced at the time? Can alternative courses of action be assessed from this same vantage point?

The Court and the President

Franklin Roosevelt's problems with the Supreme Court are an oft-told tale. Four of the nine justices who served on the Court during his first term were ardent conservatives who appeared to regard the New Deal brand of governmental intervention in the economy as constitutionally unacceptable almost by definition. Dubbed the Four Horsemen, they were: Willis Van Devanter, James C. McReynolds, George Sutherland, and Pierce Butler. Another group of three justices seemed more disposed to allow the elected branches of government wide latitude in framing public policies: Louis D. Brandeis, Harlan Fiske Stone, and Benjamin N. Cardozo. The remaining two justices, Chief Justice Charles Evans Hughes and Owen J. Roberts, were swing votes, not consistently aligned with either bloc. By the end of Roosevelt's first term, six of these justices, including all four conservatives, were in their seventies, the oldest collection of justices ever to sit on the Court.[3] Roosevelt had appointed none of them; he was the first president since James Monroe to serve a full term with no opportunities to nominate one or more justices.

Sensing the Court's hostility almost from the start, the Roosevelt administration delayed cases that challenged the constitutionality of New Deal measures

[2] The standard accounts are Joseph Alsop and Turner Catledge, *The 168 Days* (Garden City, N.Y.: Doubleday, Doran, 1938); Leonard Baker, *Back to Back: The Duel Between FDR and the Supreme Court* (New York: Macmillan, 1967); and three articles by William E. Leuchtenburg: "The Origins of Franklin D. Roosevelt's 'Court-packing' Plan," *Supreme Court Review* (1966): 347–400; "Franklin D. Roosevelt's Supreme Court 'Packing' Plan" in Harold M. Hollingsworth and William F. Holmes, eds., *Essays on the New Deal* (Austin: University of Texas Press, 1969), 69–115; and "FDR's Court-Packing Plan: A Second Life, A Second Death," *Duke Law Journal* (June–September 1985): 673–689.

[3] Laurence H. Tribe, *God Save This Honorable Court* (New York: Random House, 1985), xv. The average age for justices was 72.

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from coming before the Court for as long as possible, but the judicial hammer blows began falling in 1935. In May the justices invalidated the Railway Pension Act, the National Industrial Recovery Act, the Frazier-Lemke Act, and a presidential decision to fire a member of the Federal Trade Commission.[4] (The last three decisions were handed down on 27 May, thenceforth known as Black Monday to New Dealers). In January 1936 the Court voided the tax provision of the Agricultural Adjustment Act, then in May (after approving the Tennessee Valley Authority Act in February) struck down the Guffey Coal Act and the Municipal Bankruptcy Act.[5] Finally, in *Morehead v. Tipaldo*, its most controversial decision of all, the Court ruled in June that New York's minimum-wage law for women was unconstitutional, thus nearly precluding even a state government role in depression-fighting.[6] In all these cases the Four Horsemen voted against the New Deal; sometimes they were joined by Roberts, sometimes by Roberts and Hughes, sometimes (as in the three Black Monday decisions) by all the other justices.

What, from the vantage point of mid-1936, was Roosevelt to do? Simply to wait for the justices to change their minds or leave the Court was to him intolerable. The logic of the majority opinions in the Court's recent decisions seemed to leave no room for other New Deal measures whose constitutionality had not yet been tested, such as the Social Security Act and the Wagner Labor Relations Act, much less for legislation concerning wages and hours and other subjects that Roosevelt was planning to introduce. And he was convinced that no vacancies on the Court would occur for him to fill: McReynolds would still be on the bench when he was 105, the President groused.[7] Conflict with the Court seemed inevitable.

Yet Roosevelt knew from experience that to attack the Court would create serious problems of its own. In the aftermath of Black Monday, he had chastised the justices for "relegat[ing] us to the horse-and-buggy definition of interstate commerce." The outraged public reaction to this offhand remark, not just from conservatives, was evidence enough that any effort to change the situation by law or constitutional amendment would require Roosevelt to do nothing less than summon all the elements of political power that he had been able to bring together in the first term.[8] What constellation of political forces did Roosevelt need to reassemble in order to prevail? The main ingredients of his dramatic first-term legislative successes – and of the dramatic legislative successes of other twentieth

[4] *Railroad Retirement Board v. Alton Railroad Co.*, 295 U.S. 330 (1935); *Schechter v. United States*, 295 U.S. 495 (1935); *Louisville Joint Stock Land Bank v. Radford*, 295 U.S. 555 (1935); *Humphrey's Executor v. United States*, 295 U.S. 602 (1935).

[5] *United States v. Butler*, 297 U.S. 1 (1936); *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936); *Carter v. Carter Coal Co.*, 298 U.S. 238 (1936); *Ashton v. Cameron County Water District*, 298 U.S. 513 (1936).

[6] *Morehead v. New York ex rel. Tipaldo*, 298 U.S. 587 (1936).

[7] Leuchtenburg, "Origins of Court-packing Plan," 381.

[8] Alsop and Catledge, *The 168 Days*, 7; Leuchtenberg, "Origins of Court-packing," 357–359.

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century presidents who have attempted and achieved them—were three: an empowering election, suitable ideas, and requisite political skills.[9]

Election. A president is empowered for legislative achievement if, in the election that brings or returns him to power, he campaigns with promises, however general, of significant reform; is elected by a landslide majority; and sees large gains for his party in the accompanying congressional elections.

The requirement for a personal landslide is obvious, the others perhaps less so. Clearly, though, unless the president has campaigned on a reformist theme, he cannot interpret his victory (or expect others to) as any sort of mandate for massive policy change. It also is hard to persuade Congress to accept such an interpretation unless his victory is joined to gains for his party's legislative candidates. Indeed, the size of the gains, even more than the size of his party's contingent in Congress, is what matters, because the gains invariably are attributed, accurately or not, to the president-elect's coattails or to a mandate that he and Congress share. Either way, the election creates a heightened disposition among legislators of both congressional parties to support the president's legislative initiatives—fellow partisans because they want to ride his bandwagon, members of the opposition to avoid being flattened by it.[10] A president whose election is not accompanied by large gains is more likely to be seen by representatives and senators as politically tangential to their own political fortunes. For similar reasons, a president could be empowered for legislative achievement if in the midterm elections his party made gains in Congress, violating the historical pattern.

Roosevelt's election in 1932 had met all the requirements of an empowering victory. Entering the race as the clear progressive candidate, based on his active efforts as governor to ease the ill effects of the depression in New York and his determination to make the economy the main issue in 1932 (rather than prohibition, which conservative Democrats wanted), Roosevelt spoke at various times during

[9] No value judgments are implied by the term "dramatic legislative success." "Dramatic" means that the effect of the new legislation was to alter significantly the role of the national government in American society. "Success" means simply that the President was able to persuade Congress to pass his proposals. Woodrow Wilson, Lyndon Johnson, and Ronald Reagan are the other modern presidents who have achieved dramatic legislative success. For a full exposition of the theory of presidential power that underlies this analysis, see Erwin C. Hargrove and Michael Nelson, *Presidents, Politics, and Policy* (Baltimore: The Johns Hopkins University Press and New York: Knopf, 1984), esp. chaps. 3, 4, 6, 7, and 8; and Hargrove and Nelson, "The Presidency: Reagan and the Cycle of Politics and Policy" in Nelson, ed., *The Election of 1984* (Washington, D.C.: Congressional Quarterly Press, 1985), 189–213.

[10] Members of Congress will make this calculation if they intend to seek reelection. Available data for the post-World War II era indicates they do: from 1946 to 1982 an average 83.7 percent of senators sought reelection in each term-ending election. To see if this generalization applied to the Roosevelt period, the author examined Senate elections in the period 1928–1936 and found the average reelection-seeking rate to be 83.8 percent. Author's calculations from Norman J. Orstein, et al., *Vital Statistics on Congress* (Washington, D.C.: American Enterprise Institute, 1982), 46–68; and *Guide to U.S. Elections* (Washington, D.C.: Congressional Quarterly, 1975), parts IV and VI.

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the campaign in support of farm relief, unemployment insurance, national planning, public power, public works, reforestation, tariff reduction, and securities legislation.[11] But far more significant than any list of promises extracted from Roosevelt's speeches was the sense of commitment he conveyed that as president he would do whatever he could to remedy the awful plight of "the forgotten man at the bottom of the economic pyramid." Again and again, he harked back to the theme he had stated in April in a speech at Oglethorpe University: "We need to correct, by drastic means if necessary, the faults in our economic system from which we now suffer. . . . The country needs and, unless I mistake its temper, the country demands bold, persistent experimentation. . . . Above all, try something."[12]

The results of Roosevelt's reformist campaign completed the task of empowering him for legislative success. His own landslide victory over President Herbert Hoover was the most overwhelming in history against an incumbent president. Equally important, Roosevelt's party gained ninety seats in the House of Representatives and thirteen in the Senate. The House gains were the largest ever for a president's party; the Senate results turned a one-seat deficit for the Democrats into a twenty-five seat majority. A veritable explosion of New Deal legislation occurred shortly after the new President's inauguration.

In singular fashion, the midterm elections of 1934 provided the impetus for continued presidential leadership. During the campaign, Roosevelt pledged to introduce a far-reaching program of social insurance, housing, and resource development in the next Congress.[13] The results of the elections were unprecedented in their endorsement of the President. Historically, the president's party loses seats at midterm; the average loss since 1906 had been forty-two seats in the House and five in the Senate. As election day neared, Vice President John Nance Garner judged that to lose only thirty-seven House seats would be a victory and most doubted that the party would do that well. Instead, Democrats gained nine seats in the House and added ten senators. Arthur Krock described the 1934 election in *The New York Times* as "the most overwhelming victory in the history of American politics."[14] Thus, it is not surprising that just as the 1932 elections set the stage for the First Hundred Days, so did the 1934 results lay the groundwork for the second New Deal of 1935: social security, the Wagner Act, a progressive income tax, and so on.

Skill. In order to make their imprint on policy, presidents are called upon to

[11] Arthur M. Schlesinger, Jr., *The Crisis of the Old Order, 1919–1933* (Boston: Houghton Mifflin, 1957, Sentry ed.), 277, 289–291, 313; William E. Leuchtenberg, *Franklin D. Roosevelt and the New Deal, 1932–1940* (New York: Harper and Row, 1963, Torchbook ed.), 11–12. Roosevelt's oft-noted promise to balance the budget was made contingent on the absence of "dire need" in the country.

[12] Schlesinger, *Crisis of Old Order*, 289, 290.

[13] Leuchtenburg, *Roosevelt and New Deal*, 93.

[14] Average seat loss is author's calculation from data in Ornstein, *Vital Statistics*, 41. Arthur M. Schlesinger, Jr., *The Coming of the New Deal* (Boston: Houghton Mifflin Co., 1959), 506–507.

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demonstrate a challenging array of leadership skills. They require above all a strategic sense of the grain of history—an ability to sense, define, and articulate the public mood and to shape and fulfill the historical possibilities of the time.[15] Such presidents also must be able to present themselves and their policies to the general public through effective rhetoric and symbolic action and to deal in a tactically skillful way with other Washington politicians through negotiation, persuasion, and various forms of gamesmanship. Finally, they must be adroit in managing the talents of administration lieutenants in the quest for workable and appealing policy proposals. A requirement for the exercise of any of these skills is a continuing effort by the president to ground himself in political reality.

The first-term Roosevelt had been a marvel of leadership skill. He had understood that the public desire was less for a particular agenda of action to cure the depression than for action itself, a commitment on the President's part to keep trying cures until he found one that seemed to work. Roosevelt coupled action with an exuberant sense of optimism, competence, and confidence, jauntily displayed in newsreels, photographs, personal appearances, and, of course, on radio. He was an adroit manager of lieutenants in the task of developing administration policies. The heart of Roosevelt's success in this regard, Arthur Schlesinger pointed out, was his realization that "the first task of an executive . . . was to guarantee himself an effective flow of information and ideas." As for tactical skills, Roosevelt was Richard Neustadt's exemplar of mastery and success.[16]

Ideas. The rhetoric of dramatic change may be enough to get a president elected if that is what the public wants to hear, but once in office it must be translated into specific ideas for legislation. Successful ideas are characterized not just by their grounding in expert knowledge but also by their fit with American political values and the public expectations of the day. Roosevelt had a brains trust to advise him during the first term, but he also had a legacy of ideas from the 1920s and earlier to draw upon. As James MacGregor Burns notes, Roosevelt "had grasped the standard of Wilsonian reform in his measures for federal supervision of securities, friendliness to labor, business regulation. He had trod Cousin Theodore's old path in conservation and in the elements of planning in the AAA [Agricultural Adjustment Administration]. He had filched a plank from American socialism in the public ownership features of TVA [Tennessee Valley Authority]," and later, in the social security and tax bills.[17]

[15] This is similar to the skill Woodrow Wilson described as "interpretation." See Jeffrey Tulis, "The Two Constitutional Presidencies" in Michael Nelson, ed., *The Presidency and the Political System* (Washington, D.C.: Congressional Quarterly Press, 1984), 59–86.

[16] Schlesinger, *Coming of New Deal*, 522–24; Richard E. Neustadt, *Presidential Power* (New York: John Wiley, 1960). Leuchtenburg, "Origins of Court-packing" is the definitive work on the development of the President's proposal and, except where noted, is the source for this section. Alsop and Catledge also provide a good account in *The 168 Days*, chap. 1.

[17] Burns, *Roosevelt*. 179.

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The Court-packing Episode

As in the first term, so in the second: in order to accomplish a dramatic legislative victory of the kind he felt he needed over the Supreme Court, Roosevelt would require intellectually and politically suitable policy ideas, an empowering election, and a fully deployed repertoire of political skills.

Ideas. Roosevelt had no shortage of ideas to draw from about how to resolve his problems with the Supreme Court. The populist and progressive movements of the late nineteenth and early twentieth centuries had made courts a target of reform. As William Leuchtenburg notes, "Roosevelt began his political career at the time that his distant cousin Theodore was assaulting the sanctity of the courts and the air was loud with cries for the recall of judges and judicial decisions."[18] In the 1920s, such proposals increasingly were aimed at the Supreme Court, which seemed under Chief Justice William Howard Taft to have gone to the extreme in its conservatism. More recently, the first round of anti-New Deal Court decisions in early 1935 (including the anticipation, false as it turned out, that the Court would rule against Roosevelt and Congress in the gold clause cases)[19] had lent unprecedented urgency to some liberals' desire to rein in the Court. The years 1935–1937 saw more "Court-curbing" bills introduced in Congress than in any other three-year (or thirty-five year) period in history.[20] A few of these, including some endorsed by Vice President Garner and Senators James M. Byrnes and Robert M. LaFollette, Jr., proposed to amend the Constitution to define Congress's legislative powers more expansively.[21] Most, however, were aimed at the Court itself, some in the form of constitutional amendments, others as simple legislation.

Proposals to create new vacancies on the Supreme Court were the preferred method of Court-curbing for some members of Congress, whether by increasing the size of the Court to eleven or fifteen, mandating retirement at age 65 (or 70), or establishing a ten-year term for judges.[22] Other bills addressed the issue of judicial review, including some that would have forbidden it altogether. Senator George Norris proposed an amendment that would require the agreement of seven justices in order to declare a federal law unconstitutional, then endorsed a bill mandating unanimity. LaFollette wanted to empower the president to demand advisory opinions from the Court regarding the constitutionality of proposed federal statutes.[23] At one time or another, Roosevelt was attracted by almost all of these ideas, including composite measures in one bill to allow the president and Congress to

[18] Ibid., 346.

[19] *Norman v. Baltimore and Ohio Railroad Co.*, 294 U.S. 240 (1935). The vote was 5–4.

[20] Author's calculation from Table 1 in Stuart S. Nagel, "Court-Curbing Periods in American History," *Vanderbilt Law Review* 18 (March 1965): 926.

[21] Raymond Moley, *After Seven Years* (New York: Harper and Brothers, 1939), 307; Arthur M. Schlesinger, Jr., *The Politics of Upheaval* (Boston: Houghton Mifflin Co., 1960), 491.

[22] Leuchtenburg, "Origins of Court-packing Plan," 373, 366; Schlesinger, *Politics of Upheaval*, 491.

[23] Leuchtenburg, "Origins of Court-packing Plan," 359; Schlesinger, *Politics of Upheaval*, 491.

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demand, receive, and reject advisory opinion from the Court, or in another to repass an overturned law after an intervening congressional election.[24] Ultimately, he decided to adopt the essential elements of still another composite that Edward S. Corwin suggested in correspondence with Attorney-General Homer Cummings. It stipulated that whenever the Court included half or more justices who were 70 years or older, a new justice could be appointed for each justice in his seventies who declined to retire.[25]

Not every suggestion to break the impasses between the justices and the New Deal involved an assault on the Court. Representative Hatton Sumners of Texas, the chairman of the House Committee on the Judiciary, proposed legislation to guarantee retirement pay for justices over 70. One effect of the Economy Act of 1933 had been to cut former Justice Oliver Wendell Holmes's benefits in half, and Sumners believed that at least two of the Four Horsemen, Van Devanter and Sutherland, were delaying their own retirements for fear of a similar fate.[26] Another suggestion came from Arthur N. Holcombe of Harvard, who, in the spirit of Mr. Dooley's observation that "the Supreme Court follows th'illiction returns," urged that Roosevelt simply wait: "If these elections [of 1936] turn out satisfactorily, I cherish a strong hope that there will be a better prospect for liberal interpretation of the Constitution from the Supreme Court."[27]

Elections. In contrast to the elections of 1932 and 1934, the political implications of the 1936 results were ambiguous. Indisputably, the presidential landslide met one criterion for an empowering election — Roosevelt's margin of victory over Governor Alfred M. Landon was the largest in history. To interpret the congressional results was more difficult. Democrats gained only nine seats in the House, considerably less than the historical average.[28] Their seven-seat gain in the Senate was smaller than in either 1932 or 1934, but it was impressive nonetheless. Certainly, few Democrats could deny that the main explanation for their party's rapid rise to majority status lay with Roosevelt. Some doubtless began to wonder, however, whether their personal political fortunes still were joined to the President, especially since the general assumption was that he was beginning his last term.

The aspect of the 1936 elections that was least empowering for the second term was the campaign Roosevelt waged. Early in the year, he made very few requests to Congress for new legislation. Then, after a fighting acceptance speech to the Democratic convention, he carefully struck a president-above-the-fray pose in public appearances during the late summer and early fall. And even when he sharpened

[24] Leuchtenburg, "Origins of Court-packing Plan," 363–365, 371.

[25] Ibid., 388–391.

[26] Alsop and Catledge, *The 168 Days*, 40–41. Justice Stone shared this view. Alpheus Thomas Mason, *Harlen Fiske Stone: Pillar of the Law* (New York: Viking Press, 1956), 454.

[27] Schlesinger, *Politics of Upheaval*, 493.

[28] From 1900 to 1932, the average gain in House seats for the president's party in presidential election years was 34. Author's calculation from data in James Q. Wilson, *American Government*, 2nd ed. (Lexington, Mass.: D.C. Heath, 1983), 644–645.

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his rhetoric in October, records Burns, "Roosevelt talked very little about the future . . . . He was making the New Deal record, not the New Deal promises, the issue."[29]

Roosevelt's inattention to the Court controversy during the 1936 campaign warrants special mention. At the Republican convention, former President Hoover and the Republican platform had pledged to defend the judiciary and dared Roosevelt to state his own position. Landon and other party leaders made much of the issue.[30] But Roosevelt was convinced that any intimation of his intention to confront the Court would create confusion and controversy among voters.[31] Delegates to the Democratic convention, responding to Roosevelt's explicit instructions, fuzzed the Court issue: to the extent that the platform suggested that any action might be needed, it spoke of "clarifying amendments" that would allow government intervention in the economy.[32]

Privately, Roosevelt had ambitious plans for the second term. "Wait until next year, Henry," he told Secretary of the Treasury Henry Morgenthau in May 1936, "I am really going to be radical."[33] Certainly he had decided that a drastic remedy for the Court impasse was required, although he did not know specifically what it would be. But publicly the campaign urged voters to treat the election as a referendum on the first term. The Court issue continued to be ducked; Roosevelt never spoke of it during the fall campaign. Harold Ickes, who had urged Roosevelt to raise the issue as far back as January, later remarked ruefully that "the groundwork had not been laid," recognizing at least that some groundwork was required in the election campaign before taking the issue to Congress.[34]

Skill. Of the three main elements that make possible dramatic presidential leadership of Congress—suitable policy ideas, an empowering election, and the adroit exercise of presidential leadership skill—the last took on particular importance in the Court fight. The abundance of available ideas about how to break the impasse between the Court and the administration was both an advantage and a disadvantage to Roosevelt; he had no shortage of approaches to choose from, but there was little consensus about which was best. The verdict of the 1936 election, overwhelming in its endorsement of the legislative achievements of Roosevelt's first term, was ambiguous in its implications for the second. In this uncertain situ-

[29] Schlesinger, *Politics of Upheaval*, 504; Burns, *Roosevelt*, chap. 14.

[30] Baker, *Back to Back*, 45–46.

[31] Kenneth S. Davis, *FDR: The New Deal Years, 1932–1937* (New York: Random House, 1986), 632–633.

[32] Schlesinger, *Politics of Upheaval*, 581–582.

[33] Ibid., 513.

[34] *The Secret Diary of Harold Ickes*, vol. 1 (New York: Simon and Schuster, 1953), 602, 524, 530, 531. In 1937, Ickes argued rather disingenuously to a Republican editor that since the Republicans had sounded their opposition to Court-curbing in 1936 and lost, Roosevelt could claim a mandate. Leuchtenburg, "Roosevelt's Plan," 84. Of course, Republicans had declaimed against totalitarian rule as well.

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ation, unusually skillful presidential leadership clearly was needed if there were to be any hope of success.

For this challenge Roosevelt seemed particularly well-suited. His strategic sense, capacity to manage administration lieutenants for the development and promotion of policy ideas, presentational abilities in persuading and mobilizing the general public, and shrewd use of tactics within the Washington community are unrivaled among modern presidents.[35] Yet with few exceptions, these skills were notably absent in the Court fight of 1937.

Strategic Sense. In democratic polities, a leader's effort to discern the historical possibilities of the time requires above all an ability to interpret the public mood. On matters involving the judiciary, Roosevelt was ill-equipped to do so by experience or temperament and made few efforts to remedy these shortcomings.

Americans generally have regarded the judicial process as somehow outside and above politics. This underlying regard was challenged in the 1930s by the Supreme Court's rebuke of the New Deal, but other aspects of that decade seem to have made the public's appreciation of the Court all the more profound. Ironically, the depression was one: "The greater the insecurity of the times," Leuchtenburg notes, "the more people cling to the few institutions which seem changeless."[36] The number of justices had been fixed at nine since 1869, long enough for many people to regard it as set by the Framers.[37] The rise of Hitler and Mussolini in Europe also made some feel especially protective of the independence that the American judiciary enjoys. "Even many people who believe in President Roosevelt . . . ," said Senator Henry Ashurst, "were haunted by the terrible fear that some future President might, by suddenly enlarging the Supreme Court, suppress free speech, free assembly, and invade other Constitutional guarantees of citizens."[38] Apprehension about tampering with the ability of the Court (which had a strong record on civil liberties) to protect minorities was greatest among ideological liberals and certain religious, racial, and regional groups, including for different reasons many blacks and white southerners. Interestingly, almost every Catholic senator opposed the Court-packing plan.[39]

Roosevelt lacked an intuitive appreciation of the public's regard for the judiciary. He had come of age in politics during a period of court-bashing and, as a lawyer, was particularly receptive to the emerging realist school of legal intellectual thought, which considered judges to be policy makers motivated in large part by their own opinions and prejudices. Once, delivering a 1932 campaign speech,

[35] Hargrove and Nelson, *Presidents, Politics, and Policy*, chap 4.

[36] Leuchtenburg, *Roosevelt and New Deal*, 235–236.

[37] Robert Scigliano, *The Supreme Court and the Presidency* (New York: Free Press, 1971), 52. One woman protested: "If nine judges were enough for George Washington, they should be enough for President Roosevelt." Leuchtenburg, "Roosevelt's Plan," 86–87.

[38] Baker, *Back to Back*, 47–48. Felix Frankfurter shared this fear. Alsop and Catledge, *The 168 Days*, 76.

[39] Ibid., 80–82; Leuchtenburg, "Roosevelt's Plan," 87–88, 85.

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Roosevelt spoke from a prepared text that read: "After March 4, 1929, the Republican party was in complete control of all branches of the government—the Legislature, with the Senate and Congress, and the executive departments." Then he improvised: "and, I may add, for full measure, to make it complete, the United States Supreme Court as well." Soon after his inauguration in 1933 Roosevelt judged Chief Justice Hughes one who "wouldn't cooperate" when the chief justice declined to give informal advisory opinions on proposed legislation.[40]

Compounding Roosevelt's difficulty in intuitively grasping public sensitivities on issues involving judicial independence was his more general tendency to overinterpret his mandate from the 1936 election. Although he had made his first term the issue, Roosevelt evidently felt that in giving him a forty-six-state majority, the voters had written a blank check to take the government in any direction he chose, by any means. He was encouraged in this view by aides such as Thomas Corcoran, Benjamin Cohen, and Harry Hopkins.[41] Campaigns can educate candidates as well as voters; by gauging audiences' responses to particular appeals in campaign speeches, for example, the candidate can gain a sense of which issues are working and which are not. But even though Roosevelt never mentioned the Court in 1936, he spoke to a Democratic victory dinner on 4 March 1937 as if he had: "We gave warning last November that we had only just begun to fight. Did some people really believe we did not mean it? Well, I mean it and you meant it."[42]

After the election, Roosevelt closed himself off from sources of information that would have informed his reading of public opinion, and neglected or downplayed available evidence that seemed to contradict that reading. Although Roosevelt regarded the labor, farm, and liberal lobbies' support for Court reform as vital, he did not consult with their leaders before launching his attack. Had he done so, he probably would have learned that for various reasons (the narrowness of organized labor's concern, extending mainly to the Wagner Act; the farmers' general conservatism, except when the issue was their own government benefits; liberals' apprehensions about civil liberties) such support would be limited, especially if the object of reform was the Court itself.[43] As for the general public, evidence was available that should have given the President pause before claiming a mandate for reformist legislation in general and Court-curbing in particular. A Gallup poll taken in November 1936 found that 50 percent of a sample of voters hoped the second term would be more conservative than the first; 15 percent hoped

[40] Baker, *Back to Back*, 108–110; Leuchtenburg, "Origins of Court-packing," 346; Alsop and Catledge, *The 168 Days*, 16.

[41] Alsop and Catledge, *The 168 Days*, 21; Burns, *Roosevelt*, 305.

[42] Burns, *Roosevelt*, 299. James Farley made a similar claim in late May: "Why compromise? The Democratic senators were elected on the basis of supporting the president's program. It is up to them to back it now." Leuchtenburg, "Roosevelt's Plan," 99.

[43] Baker, *Back to Back*, 86–89, 202–205; Alsop and Catledge, *The 168 Days*, 47–48, 53–54. Organized labor also was divided at this time between a feuding American Federation of Labor and Committee for Industrial Organization.

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it would be more liberal.[44] Occasional Gallup polls in late 1935 and 1936 showed public resistance to proposals to restrict the Court's power to invalidate laws.[45] Yet even the harsh and massive influx of congressional mail after the Court plan was introduced in early 1937 and subsequent Gallup polls that consistently demonstrated the absence of public enthusiasm for Court-packing did not intrude into Roosevelt's oft-repeated belief that: "The people are with me. I know it."[46] Instead he clung to straws such as Lyndon Johnson's April 1937 victory in a special congressional election in Texas, even though Johnson was the only candidate in an eight-man field who favored the Roosevelt plan, and he won with only 28 percent of the vote.

Lack of empathy with the public regard for the Supreme Court, inattentiveness to opinion leaders, neglect of disagreeable evidence, an overly expansive interpretation of the meaning of the 1936 election—of all these explanations of the President's dulled strategic sense in the Court-packing episode, the election seems to have been the most important. Roosevelt had maintained a shrewd and studied silence in 1935 and 1936 while the Court was overturning his New Deal legislation; from 31 May 1935, when he made his "horse-and-buggy" remark, until 2 June 1936, when the *Tipaldo* decision provoked him to complain that the justices had created a constitutional "no-man's-land," Roosevelt made no public comment about the Court, biding his time and letting anti-Court sentiment grow on its own.[47] But when Ickes, Norris, and others encouraged Roosevelt to reap the harvest of his patient waiting by taking the Court issue to the voters, he declined. He wanted the election to be fought on the least controversial basis possible, even though such a strategy meant that little about the second term would be taught or learned in the campaign. To the extent that Roosevelt's purpose was to create the largest possible landslide on election day, he succeeded. But then, having chosen to seek no mandate for future action from the voters, he claimed one anyway.

Management of Lieutenants. As with the skill of strategic sense, Roosevelt did better managing lieutenants in the Court fight prior to the 1936 campaign than afterward. Beginning no later than an 11 January 1935 cabinet meeting, which took place on the eve of the Supreme Court's decision in the gold clause cases, Roosevelt began the process of discussing and considering various Court-curbing proposals with a variety of aides and advisers, including the cabinet as a body, Secretaries Ickes and Cummings individually, Senator Norris, journalist George

[44] George H. Gallup, *The Gallup Poll: Public Opinion, 1935–1971*, vol. 1 (New York: Random House, 1972), 41.

[45] Walter F. Murphy, *Congress and the Court* (Chicago: The University of Chicago Press, 1962), 61.

[46] Burns, *Roosevelt*, 298; Alsop and Catledge, *The 168 Days*, 72, 74, 78, 79, 184, 210; Frank V. Cantwell, "Public Opinion and the Legislative Process," *American Political Science Review* 40 (October 1946): 924–935.

[47] Leuchtenburg, "Origins of Court-Packing," 377–378; and Gregory A. Caldeira, "Public Opinion and the U.S. Supreme Court: FDR's Court-Packing Plan," *American Political Science Review* 81 (December 1987): 1139–1153.

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Creel, Breckinridge Long (the American ambassador to Italy), and many others. He not only ranged widely in his search for solutions, but winnowed them on prudential, if not indisputable, grounds. Constitutional amendments as a class ended up being discarded, mainly because of the difficulties (or at the very least, the time) involved in gaining ratification from three-fourths of the states. Certain ideas for bills were rejected in the expectation that the Court would void them.

But having considered proposed solutions to the Court problem from a variety of sources in 1935 and in early and mid-1936, Roosevelt abruptly narrowed his range of advisers to one, Attorney-General Cummings. After the election, Cummings and Roosevelt met nearly every day in secret to discuss their progress in designing a proposal. Security was complete. White House advisers Corcoran and Cohen actually were working up a Court-curbing bill on their own, ignorant of the activities of the President and attorney-general;[48] even Justice Department aides who conducted research for Cummings (including Solicitor General Stanley Reed) did so in ignorance of its purpose.

Not until December, and then only in response to an initially unsolicited suggestion from Professor Corwin, did Roosevelt and Cummings settle on a plan: to seek legislation that would empower the President to appoint one additional justice (up to a maximum of six) for every sitting member of the Court with at least ten years service who declined to retire when he reached his seventies. Hughes, Brandeis, and the Four Horsemen fit this definition on the current Court. Both Cummings and Roosevelt had spoken approvingly of creating new justiceships as far back as January 1935; Roosevelt often invoked, although in garbled form, a British incident in which the prime minister had threatened to create new peerships to pack the House of Lords. Late in December 1935, however, he called simple Court-packing "a distasteful idea."[49] The lure of the Corwin plan was that with it the administration could define the mental and physical capacities of the elderly justices, not their conservative opinions, as the issue. What made the idea all the more delicious was Cummings's discovery that in 1913, then-Attorney-General McReynolds had made a similar recommendation with regard to lower court judges.

Delighted with the plan and its rationale ("the answer to a maiden's prayer," he exclaimed), Roosevelt approved the main elements of the Court proposal on 26 December. Responding to Cummings's longstanding desire for general federal court reform and seeing an opportunity to thicken still further the smokescreen around his Court-packing motive, Roosevelt allowed the attorney-general to add other provisions: additional lower court judges (also based on the age of the incumbent judiciary), reassignment of judges to busy courts by the chief justice, and a Court-appointed proctor to help supervise the flow of federal litigation.[50] Finally, Roosevelt approved Cummings's draft of the accompanying presidential

[48] Alsop and Catledge, *The 168 Days*, 36–37.
[49] *Secret Diary of Ickes*, 495.
[50] Alsop and Catledge, *The 168 Days*, 36.

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message to Congress, a message that in stressing the age issue never mentioned the real basis of the President's desire to alter the Court. So complete had Roosevelt's veil of secrecy been that a brief meeting before the sending of the message on 5 February 1937 was the first word that any member of Congress got about the President's proposal.

The extent of the political problems that were created by Roosevelt's decision to formulate his approach to the Court issue in secret consultation with just one adviser would become apparent only when he tried to sell the Court plan to the public through rhetoric and to the Washington community with tactical skills. That there would be such problems, however, was inherent in the post-election policy development process that Roosevelt used for the Court issue. By locking out all lieutenants but Cummings after mid-1936, Roosevelt denied himself the benefits of the very advisory system that had worked so well during the first term. To some degree, a fluid and pluralistic process was needed to overcome Roosevelt's own excesses—his love of clever indirection, his impatience with procedural barriers, and his belief that he was in a real sense an anointed agent of Providence.[51] To some degree, too, such a process was needed to remedy the limitations of any single adviser—in Cummings's case, his ambition to sit on the Court.[52] Whether Corcoran, Cohen, or others would have discouraged Roosevelt from trying to pack the Court is uncertain, but they certainly would have recognized (and did, as soon as they heard—too late— about it) how politically damaging the plan's deceptive presentation would be.[53] The delight in a smart trick that made the age rationale irresistible to Roosevelt and Cummings as they conspired in secret would have been punctured by advisers more detached from the plan's cuteness.

Two consequences for subsequent relations between Roosevelt and his lieutenants flowed from the Court-packing policy development process: one predictable, one curious, both harmful to the President. The predictable consequence was that Roosevelt's customary advisers, puzzled by their leader's behavior, became wary of passing on disturbing news that they heard during the battle for congressional passage, thus allowing the President to become further detached from political reality.[54] The curious consequence was that Roosevelt, having excluded White House aides from the advisory role they performed so well, charged them, rather than the congressional leaders he had relied on in the first term, to direct the battle in Congress. This was a task for which they were ill-suited; Corcoran, in particular, was contemptuous of legislative politics, which he regarded as messy and ego-ridden. The aides' lack of good sources in the Senate made it hard to know

[51] Burns, *Roosevelt*, 297; James David Barber, *The Presidential Character: Predicting Performance in the White House* (Englewood Cliffs, N.J.: Prentice-Hall, 1972), 211–212; Kenneth B. Davis, "FDR As a Biographer's Problem," *The American Scholar* 53 (Winter 1983–1984): 107.

[52] Ted Morgan, *FDR: A Biography* (New York: Simon and Schuster, 1985), 469; Alsop and Catledge, *The 168 Days*, chap. 1 and p. 4.

[53] Alsop and Catledge, *The 168 Days*, 49.

[54] Baker, *Back to Back*, 47.

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what the situation was, much less to influence it; even in late May, when the battle was all but lost, they rejected opportunities for a compromise in the illusion that they still could win.[55]

Why did Roosevelt abandon the system he had used so well in the first term to manage lieutenants for policy formation? The answer offered by Joseph Alsop and Turner Catledge, contemporary chroniclers of the Court-packing episode, is still the most plausible one:

> Nothing could illustrate better how the election had altered the Washington scene. A year earlier, in planning so momentous a step as an attack on the Supreme Court, the President would have followed a well-established program of general consultation. First his brilliant intellectual advisers . . . would have been called in to prepare the measure. And then, when the measure was ready, his congressional leaders . . . would have been summoned to advise on its presentation to Congress. . . .
>
> Now, however, the President felt no compulsion to make his consultation general. . . . He and Cummings could work out a solution together, and even though Cummings was a politician and not a constitutional expert, the solution would certainly be acceptable to a postelection Congress.[56]

Public Presentation. Roosevelt's decision not to address the Court issue in the 1936 election made the task of convincing and rallying the public both more difficult and more essential when he introduced the Court-packing plan in early 1937. Yet despite occasional glimpses of the customary Rooseveltian flair for skillfully presenting himself and his policies to the citizenry, the President's persuasive efforts were notably unsuccessful. He never was able to undo the ill effects of the deceptive design that he and Cummings had given to the plan.

Part of Roosevelt's problem was his apparent but curious belief that people either would take the plan's age-and-efficiency rationale at face value or, if they saw through to its real Court-packing purpose, would share his delight at its clever indirection. Either assumption was dubious; together they were poison. Yet at the press conference in which he first told the public about his intention to reform the Court, Roosevelt mixed careful reading and explication of the bill with winks and smiles. "He seemed to be asking the assembled newspapermen to applaud the perfections of his scheme, to note its nicely calculated indirections and praise its effectiveness," wrote two journalists.[57]

The effects of Roosevelt's deceptive presentation were disastrous. As he conceded four years later, "I made one major mistake when I first presented the plan. I did not place enough emphasis on the real mischief – the kind of decisions which,

[55] Alsop and Catledge, *The 168 Days*, 82–83, 186–187, 214. Aides also bungled by asking for only two weeks to present the administration's case in the Senate judiciary committee hearings, in the hope that the opposition would follow suit. Instead, opponents kept up an incessant drumbeat of hostile testimony for well over a month.

[56] Ibid., 24–25.

[57] Alsop and Catledge, *The 168 Days*, 167.

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as a studied and continued policy, had been coming down from the Supreme Court."[58] The trumpet call he had issued to rally the faithful sounded false and uncertain. Deceptiveness disgusted some potential allies, notably Norris. It left the Court plan open to simple refutation of the facts that were its purported rationale. "The Supreme Court is fully abreast of its work . . . ," wrote Chief Justice Hughes in a public letter that was addressed to Senator Burton K. Wheeler, signed by Brandeis and Van Devanter, and supported, Hughes implied, by all the justices. Having thus disposed, with accompanying statistics, of Roosevelt's public diagnosis of the Court's maladies, Hughes went on to challenge the efficacy of his prescription: "An increase in the number of justices of the Supreme Court . . . would not promote the efficiency of the Court. There would be more judges to hear, more judges to confer, more judges to be convinced and to decide."[59] The age issue—raised by passages in the President's message like: "A lower mental or physical vigor leads men to avoid an examination of complicated and changed conditions"—offended many old people, including a goodly number of septuagenarian members of Congress and legions of liberal admirers of the 80-year-old Brandeis.[60] And not the least of the problems with the administration's public presentation of its case was that it was all but impossible to maintain. Even Cummings succumbed to candor when asked at a Senate hearing whether "after the six additional members of the Supreme Court are appointed, the Court should divide seven to eight, this entire plan would fail." He replied, "It would depend upon which side the seven were on and upon which side the eight were."[61]

Perhaps the worst thing about Roosevelt's presentation of the Court plan was that it made him seem ashamed of his best and truest argument for reform. In January 1935, he had been prepared to make a ringing radio speech if the Court ruled against the New Deal in the gold clause cases. Neither he nor Congress would "stand idly by," the President planned to say, "and . . . permit the decision of the Supreme Court to be carried through to . . . imperil the economic and political security of the nation."[62] Yet in the 1936 election he eschewed open confrontation with the Court, which by then had overturned a dozen laws enacted by the elected branches in their effort to meet the national crisis. In 1937 he launched his assault with circumspection so complete that one could barely find evidence in Roosevelt's public statements that he found the Court's conservative defiance objectionable.

An about-face by the President in March helped his case somewhat. Realizing

[58] Mason, *Harlan Fiske Stone*, 444.

[59] Baker, *Back to Back*, 158–159. As Hughes pointed out in his letter, in 1925 Congress had empowered the Court to decide which appeals it thought were important enough to hear. Some justices, including Stone, did not see the letter and were privately unhappy that Hughes implied their support.

[60] Leuchtenburg, "Roosevelt's Plan," 75, 85–86.

[61] U.S. Congress, "Reorganization of the Federal Judiciary," Hearings before the Committee on the Judiciary, U.S. Senate, 75th Congress, first sess. (Washington, D.C.: U.S. Government Printing Office, 1937), 15.

[62] Leuchtenburg, "Origins of Court-packing," 353–354.

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the ineffectiveness of his efforts to date, Roosevelt took dead aim at the Court's obstructiveness in a fighting speech to a Democratic victory dinner on 4 March and a quieter but no less pointed fireside chat on 9 March. He displayed his gifts for dramaturgy later that spring, stopping in Texas in April, for example, to draw attention to the public endorsement of Court-packing that Johnson's election seemed to indicate.[63]

But coming as late in the game as they did, these gestures were of little consequence and the speeches, although probably the source of the Court-packing proposal's only advance in the Gallup poll, prompted no outpouring of mail to wavering legislators, which had been the speeches' main purpose.[64] Strangely, Roosevelt's frank admission of the real rationale behind Court-packing in early March did not lead him to make a logical accompanying change in tactics—to abandon the bill that he and Cummings had drafted and settle for a readily obtainable compromise that would create two or three new justiceships and thus allow him to tip the balance on the Court in favor of the New Deal.[65]

Tactics. In addition to his deficient exercise of strategic, managerial, and presentational skills, Roosevelt was tactically maladroit in his dealings with other Washington politicians during the Court-packing episode. Roosevelt's first misstep was to keep his intentions secret, even in their broadest outlines, from those whose support he would need. His announcement of the plan to a called meeting of the cabinet and congressional leaders on the morning of 5 February, a half-hour before he had scheduled a session with the press, was the first word of his purposes that any of them other than Cummings heard; Roosevelt actually had dissembled to the cabinet in January.[66] Most students of the Court-packing episode have rightly noted the damaging effects of Roosevelt's arrogance in all this. Even when he did summon leaders from the cabinet and Congress, he did nothing more than brief them and send them on their way.[67] The post-briefing reactions of certain participants have entered the realm of folklore: Sumners's "Boys, here's where I cash in my chips"; Garner holding his nose with one hand and pointing thumbs-down with the other; Sam Rayburn's conclusion that Roosevelt was becoming a tin god.[68]

But there were further, equally damaging effects of Roosevelt's policy of secrecy.

[63] Baker, *Back to Back*, 198–202; Leuchtenburg, "A Second Life, A Second Death," 677–679.

[64] Alsop and Catledge, *The 168 Days*, 113. The Gallup poll showed that public opinion, which was 48 to 41 percent against the Court plan on 1 March, climbed to 45 to 41 percent in favor by 29 March, before sliding down to 44 to 31 percent against on 17 May and 50 to 35 percent against on 7 June. Cantwell, "Public Opinion"; Caldeira, "Public Opinion," 1147.

[65] Such a compromise was proposed to the administration by Senate leaders frequently and as late as the end of May. Alsop and Catledge, *The 168 Days*, 78, 108, 152–153, 210, 214.

[66] Leuchtenburg, "Origins of Court-packing," 396.

[67] Baker, *Back to Back*, chap. 1.

[68] Alsop and Catledge, *The 168 Days*, 67; Leuchtenburg, "Roosevelt's Plan," 101; Morgan, *FDR*, 471. Rayburn also was furious that Roosevelt had physically attached his message to the proposed bill, as if to suggest that no alterations by Congress would be tolerated.

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For one, it left him tactically unprepared for unexpected resistance. The consensus was that the House would be the best place to begin the battle for passage, but that possibility was effectively foreclosed when Speaker William Bankhead, Majority Leader Rayburn, and Sumners (chairman of the judiciary committee) surprised Roosevelt by indicating their opposition to Court-packing.[69] Sumners quickly rallied a majority of his committee (the rules committee also was opposed), and Bankhead and Rayburn decided to forestall any effort to bring the bill to the floor by a discharge petition.[70]

Roosevelt's decision to keep congressional leaders in the dark hurt his cause in other ways. Throughout 1936 and at the start of the 75th Congress in 1937, many Washington politicians made commitments on the Court issue that later were difficult to reverse. Senator Ashurst, for example, denied during the 1936 campaign (as did Senator Joseph Bailey) that the President had any intention of packing the Court and denounced the idea as "the prelude to tyranny."[71] Bankhead, Norris, Sumners, and others introduced reform measures when Congress opened in 1937, usually explaining why their ideas were better than Court-packing or other alternatives would be. By bringing these legislators in on the policy development process (even at a late stage), Roosevelt could have taken advantage of their desire to do something about the Court. By locking them out, he all but guaranteed that they would go their own ways. Ashurst endorsed Roosevelt's plan, but did not give it the kind of enthusiastic support the President needed from the chairman of the Senate Judiciary Committee. Secrecy from congressional allies also hurt Roosevelt when Senator Hugo Black left the judiciary committee for reasons of his own at the start of the January session, thus denying Roosevelt his one staunch and effective supporter on the committee. Had Black known anything of Roosevelt's plans, he almost certainly would have stayed where he would have been of greatest service.

Secrecy was not Roosevelt's only tactical error in the Court-packing fight. He also seriously underestimated his opposition. In at least one case, this was unavoidable: who could have foreseen that Senate Republicans would maintain a conspiracy of silence after the plan was introduced, leaving Democrats to lead the opposition to Court-packing and denying Roosevelt the opportunity to portray its critics as bitter-end partisans?[72] But for the most part, Roosevelt's errors in judging his opponents were careless. To discount, as Roosevelt did, the political wiles of former New York governor, former secretary of state, former Republican presidential nominee Charles Evans Hughes was to leave his plan wide open to

[69] Leuchtenburg, "Roosevelt's Plan," 77–78. In February, a poll of the House by Representative Fred Vinson showed a 100-vote margin for the Court plan. Alsop and Catledge, *The 168 Days*, 92.

[70] Alsop and Catledge, *The 168 Days*, 88; Burns, *Roosevelt*, 314.

[71] Burns, *Roosevelt*, 294; Leuchtenburg, "Origins of Court-Packing," 396.

[72] Karl A. Lamb, "The Opposition Party as Secret Agent: Republicans and the Court Fight, 1937," *Papers of the Michigan Academy of Sciences, Arts, and Letters* (1961), 539–550; Baker, *Back to Back*, 89–99.

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the sort of subtle attack Hughes later launched with his letter to Wheeler. Similarly, for Roosevelt to think that corporate America was politically impotent just because he had overcome its opposition in 1936 was reckless. In truth, led by publisher Frank Gannett, the business-funded National Committee to Uphold Constitutional Government fought Court-packing both ardently (sending out ten million mailings that urged recipients to write Congress) and skillfully (Gannett even advanced civil libertarian arguments against the plan to Jews and blacks).[73]

How does one account for Roosevelt's deftless approach to both his allies and his foes prior to announcing the Court-packing plan? Fear of leaks that would provoke a preemptive attack by administration opponents and divide the ranks of its supporters was the stated reason for Roosevelt's policy of secrecy.[74] Even putting aside both the obvious costs of excluding needed and demonstratedly loyal allies and the clear value of airing the issue among voters in the campaign, this explanation would be easier to credit if Roosevelt himself had not leaked his intention to pack the Court to George Creel, who promptly published the news in the 26 December issue of *Collier's*.[75] Burns, an admiring biographer, probably has a truer understanding of Roosevelt's motives:

> The explanation lies deeper – deep in Roosevelt's personality. He had won what he considered to be a personal election victory over the Old Guard. Now the Old Guard remained entrenched in the ramparts of the judiciary. The stage was set for a Rooseveltian onslaught against the citadel [that] . . . combined in a curious fashion two Rooseveltian traits – his instinct for the dramatic and his instinct for the adroit and circuitous stratagem rather than the frontal assault.[76]

Less attractive personality traits, notably the impulse to punish as well as to overcome administration opponents, may explain Roosevelt's blindness to the political skills of big business and the Court itself. Business, of course, had provoked his astonishing 1936 election-eve statement: "I welcome their hatred . . . . I should like to have it said that in the second term these forces met their master."[77] Roosevelt's opposition to the Court also was bitter; curiously, of all the justices' anti-New Deal decisions, the one that infuriated him most was *Humphrey's Executor*, which overturned the President's firing of a by then dead regulatory commissioner. Roosevelt took this as a personal insult by the justices, so much so that aides Rexford Tugwell and Robert H. Jackson later traced the origins of Court-packing to his reaction to this decision.[78] He also was angry that Hughes, after refusing to

[73] Baker, *Back to Back*, 74–77, 80–81.

[74] Leuchtenburg, "Origins of Court-packing," 396; Burns, *Roosevelt*, 297.

[75] George Creel, "Roosevelt's Plan and Purposes," *Collier's*, 26 December 1936, 7–9ff; Creel, *Rebel at Large* (New York: G. P. Putnam's, 1947), 292–294.

[76] Burns, *Roosevelt*, 297.

[77] Ibid., 283.

[78] William E. Leuchtenburg, "The Case of the Contentious Commissioner: Humphrey's Executor v. U.S." in Harold M. Hyman and Leonard W. Levy, eds., *Freedom and Reform* (New York: Harper

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give advance warning in the form of informal advisory opinions on the constitutionality of proposed legislation, had joined the Four Horsemen and ruled against the New Deal. Finally, Roosevelt believed that to amend the Constitution to broaden Congress's powers would be an intolerable concession that the Court had been correct in its interpretation of the existing Constitution.[79]

As Burns suggests, Roosevelt's 1936 election landslide figures prominently in any explanation of why he behaved so uncharacteristically in launching the Court fight. During the first term, his temperamental inclinations notwithstanding, political uncertainty and shrewd tactical sense kept Roosevelt cautious. He consulted with congressional, cabinet, and interest group leaders; allowed them at least the illusion of influence over the administration's policies and strategies; and gauged the opposition carefully. Now, after the election, convinced that "the people are with me," Roosevelt shrugged off these self-imposed restraints and gave full vent to his desire for mastery.

Even after he introduced the Court-packing plan, election-born overconfidence continued to blur Roosevelt's tactical decision making. Virtually from the week of the plan's introduction in February 1936 until the last week in May, offers and pleas to compromise by settling for a simple two or three-seat expansion of the Court came into the White House from the Senate. Roosevelt correctly saw no need to strike a deal quickly, although his loud laughter in the faces of Garner and some congressional leaders when they proposed a three-seat increase in February was unhelpful.[80] Pressures to settle for two additional justices increased by mid-April. Hughes had written his letter (March 22); Roberts's switch-in-time had effectively reversed the Court's nine-month-old *Tipaldo* ruling (March 29) and upheld the Wagner Act (April 12);[81] and public support for the Court plan had severely waned. Senator Charles O. Andrews even provided a face-saving rationale: growth in the number of federal judicial circuits, which historically had been the main basis for increasing the Court's size, could be said to imply ten associate justiceships, one for each circuit, and a chief justice serving at-large.[82]

Roosevelt was implacable. A reasoned worst-case scenario provides part of the explanation. If Roberts reverted to conservatism and Senate Majority Leader Joseph Robinson, to whom Roosevelt had promised the first vacancy on the Court, voted with the Four Horsemen, the New Deal still would be at a 5–6 deficit. Reason also dictated, however, that with chances for any sort of victory fading, the President would do well to take what he could get, not only to settle the Court issue

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and Row, 1967), 310–311; Rexford G. Tugwell, *The Democratic Roosevelt* (Garden City, N.Y.: Doubleday, 1957), 392.

[79] Leuchtenburg, "Origins of Court-packing," 396.

[80] Alsop and Catledge, *The 168 Days*, 78.

[81] *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937); *NLRB v. Jones and Laughlin Steel Corporation*, 301 U.S. 1 (1937).

[82] Alsop and Catledge, *The 168 Days*, 152–153, 160, 196–197; Scigliano, *Supreme Court and the Presidency*, 52.

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but also to end the bitter fight that was splitting his party and tying up the rest of his legislative agenda. Yet even in late May, by which time Justice Van Devanter had announced his retirement (May 18) and the Court had upheld the Social Security Act (May 24), Roosevelt stood his ground.[83] He still wanted to teach a lesson about the dangers of defying the President to congressional Democrats, whom he regarded as his political debtors, and to the Court, which he was certain had changed course just to deny him victory for his plan.[84]

On 3 June, Roosevelt finally accepted Senator Robinson's plea to authorize him to work out the best compromise he could. Robinson latched on to a proposal by Senator Carl Hatch that would empower the President to nominate a new justice for every 75-year-old member of the Court, at a rate of one such appointment per year. This guaranteed Roosevelt at least two appointments in 1937 and one each in 1938, 1939, and 1940. Robinson, who had labored without ceasing for the original Court-packing plan, redoubled his efforts. Roosevelt helped matters by playing genial host to Democratic legislators at the Jefferson Island Club on the Chesapeake Bay.[85]

The President's turnabout came too late. Robinson thought he had engineered a narrow majority for a time, but opposition leaders had both the will and, with more than forty senators in their ranks, the way to conduct and sustain a filibuster.[86] Then there was the House to overcome, its leaders still implacable and well-positioned to resist.[87] In any event, defections by freshmen Democrats probably lost Robinson his majority even in the Senate by 13 July.[88] Ashurst told a Roosevelt aide, "If anyone's telling the president he can pass this Court bill he's doing him a great disservice."[89] On 14 July Robinson died. Shortly after his funeral, the Senate voted to table the bill, and the Court-packing episode of 1937 was over.

Alternatives to Court-packing

William Leuchtenburg has defined the challenge sensibly for students of the Court-packing episode. "Before they are allowed to dismiss [Roosevelt's] proposal out of hand," he argues, "they should be required to examine the difficult situation he faced and to indicate what alternative he might have adopted that was truly feasible." Stated differently, the challenge is this: given the knowledge that was available to the President and accepting his view that to win Supreme Court ac-

[83] *Steward Machine Co. v. Davis*, 301 U.S. 548 (1937); *Helvering v. Davis*, 301 U.S. 619 (1937).

[84] Alsop and Catledge, *The 168 Days*, 153–154.

[85] Ibid., 219–223; Leuchtenburg, "Roosevelt's Plan," 101; Leuchtenburg, "A Second Life, A Second Death," 677–679.

[86] Leuchtenburg, "A Second Life, A Second Death," 680–682; Alsop and Catledge, *The 168 Days*, 248–250; Baker, *Back to Back*, 233.

[87] Baker, *Back to Back*, 218; Burns, *Roosevelt*, 314. Sumners by now was furious in his opposition. Alsop and Catledge, *The 168 Days*, 264–265.

[88] Alsop and Catledge, *The 168 Days*, 265.

[89] Ibid., 264.

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quiescence in the New Deal was an important second-term goal, "What then was Roosevelt to do?"[90]

The analysis of presidential leadership that is presented in this article suggests an answer to Leuchtenburg's challenge. During the 1936 election campaign, Roosevelt's best strategy was to attack the Court frontally in order to lay the groundwork for post-inauguration reform; after the election, considering that he had not done so, his best remaining alternative was simply to wait.

Before the Election: Attack Frontally. The reasoning of the majority opinions in the anti-New Deal Court decisions had convinced Roosevelt, quite understandably, that social security, the Wagner act, and other achievements of the first term would be declared unconstitutional when the Court ruled on them, as would the sorts of proposals he had in mind for the second term, such as wages and hours legislation.[91] Roosevelt had heard and discussed the many and varied ideas that members of Congress, White House advisers, and others had suggested to end the Court's resistance; as much as anything, this experience had shown him that there was growing support in Washington to do something. He had determined in the aftermath of his much-criticized horse-and-buggy attack on the Court that time and presidential self-restraint were needed for public opinion to come around. He even suggested to the cabinet in January 1936 that he hoped the justices would void enough bills so that, in Ickes's account, "a real issue will be joined on which we can campaign to the country."[92] The justices had more than cooperated, and Ickes, Norris, and others had urged the President to reap the harvest sown with his public patience by raising the Court issue in his speeches. Finally, Roosevelt had concluded that he was going to win reelection—in January, June, August, and October, his tallies of electoral votes, always cautious, showed that he saw himself well in the lead.[93]

The sensible decision for Roosevelt—given the obstacles and opportunities he confronted, as he saw them—was to make his intention to end the Court's obstruction of the New Deal clear during the campaign, then claim a mandate for action after he won. His own hindsight, not future scholars', should have led him to this strategy. Certainly the lesson of 1932 had been that a presidential candidate did not need to be specific in his proposals. Simply to raise high an issue and pledge to remedy it in office was sufficient if he won a large victory. The experience of the first term also gave clear guidance about what the President should do after the election—consult with trusted and experienced advisers to develop a plan, bring in his ever-reliable congressional allies to advise him on how to promote the plan, then let them take the lead in Congress while he took his case to the voters.

After the Election: Wait. Roosevelt, of course, did not attack the Court fron-

[90] William E. Leuchtenburg, "The Court Packing Crisis of 1937," *News For Teachers of Political Science* 45 (Spring 1985): 13.

[91] In truth, the reasoning of *Carter v. Carter Coal Co.* and *Railroad Retirement Board v. Alton Railroad Co.* seemed to doom the Wagner act and social security act, respectively.

[92] *Secret Diary of Ickes*, 524.

[93] Schlesinger, *Politics of Upheaval*, 571, 608, 640.

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tally before the 1936 election. The desire for the largest reelection majority possible that kept him from raising controversial issues in the campaign, the fear of leaks that prevented him from consulting even with allies and advisers, the fondness for indirection that made coy approaches so appealing—considerations such as these governed Roosevelt's behavior and left him in a much-changed situation after the election. A direct assault on the Court still would be better than a deceptive one, consultation better than secrecy. But if a frontal attack remained a better post-election alternative than the Court plan, it no longer was a good one: the President had sought no mandate and could claim none. Nor did his best remaining strategy seem all that appealing: simply to wait in the hope that the justices would come to appreciate the improved craftsmanship that had gone into the more recent New Deal laws that now were coming before them; that vacancies would occur on the Court; or that the Court would fulfill Mr. Dooley and yield to the voters' endorsement of the New Deal.

Improved Legal Craftsmanship. The legislation of the first New Deal was not well drawn; it too often tied sweeping assertions of federal power to slap-dash justifications like the doctrine of emergency powers from the World War. By 1934, a new group of draftsmen had joined the administration. Trained by Felix Frankfurter at Harvard Law School and by Brandeis or Holmes in Supreme Court clerkships, Corcoran, Cohen, James Landis, and their colleagues were far more attentive to the need when writing legislation to skirt the legal landmines that were sprinkled through the Court's decisions and to offer the justices a plausible constitutional rationale for voting to uphold.[94] Few, if any, expected that craftsmanship alone would move the Supreme Court, but in the event that one or more justices were open to persuasion for other reasons, intelligent administration rationales based on the commerce clause or the taxing power could only make the task easier.

Vacancies. "It will fall to your lot to nominate more justices of the Supreme Court than any other president since General Washington," Senator Ashurst told Roosevelt in 1936. "Father time, with his scythe, is on your side. Anno Domini is your invincible ally."[95] American history writ large provided a basis for Ashurst's prophecy: presidents prior to Roosevelt had appointed an average of one justice every twenty-three months, and previous "old" Courts usually had broken up quickly.[96] But American history writ small was of greater interest to Roosevelt: his first four years had produced no vacancies and the hostile decisions of 1935 and 1936 had convinced him that all of the conservative justices would postpone retirement as long as he was president and that none of them would die. (Metropolitan Life's actuarial tables gave even the oldest justice another five years).[97] In the meantime, the New Deal remained in constant jeopardy.

[94] Paul L. Murphy, *The Constitution in Crisis Times 1918–1969* (New York: Harper and Row, Torchbook, 1972), 140–148.

[95] Baker, *Back to Back*, 8.

[96] Author's calculation. Tribe, *God Save This Court*, xviii.

[97] Schlesinger, *Politics of Upheaval*, 493.

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Others thought they had reason to be less pessimistic than the President about the prospect of judicial retirements. Frances Perkins, the secretary of labor, had been told by McReynolds that some of his colleagues would retire if their full pensions were guaranteed against the kind of action that had reduced Holmes's by half.[98] Stone said the same thing to Irving Brant, the editorialist of the *St. Louis Star-Times* and a sure conduit to the White House. Stone also hinted to Representative Emmanuel Celler that passage of Sumners's retirement bill, which was designed to protect the justices' benefits, would prompt two members of the Court to depart in six months to a year.[99] Sumners himself was certain that Van Devanter and Sutherland, two of the Four Horsemen, would step down soon after his bill was passed.[100] Three days after Roosevelt introduced the Court-packing proposal, Ashurst tried to interest him in the Sumners bill as an alternative. Rather than respond favorably (he regarded retirement legislation as a useless diversion), Roosevelt took Ashurst's suggestion as cause to doubt the senator's loyalty.[101]

Congressional leaders rushed the Sumners bill to passage on 1 March, even though they feared that Roosevelt's assault on the Court would discourage justices from retiring quickly for fear of seeming weak. But Van Devanter, coaxed by Senator William Borah, who thought that a quick retirement would help the anti-Court-packing cause, stepped down just three months later, and Sutherland followed in January.[102] Brandeis's retirement and Butler's death in 1939 gave Roosevelt his third and fourth appointments of the second term; by the time he left office, he had appointed nine justices.

Election Aftershocks. Incredible though it may seem in view of the results, until the 1936 election was over, conservatives on the Court had some reason to think that the public agreed with them about the New Deal and that Roosevelt might be defeated. The *Schechter* decision overturning the National Industrial Recovery Act had been widely applauded, and a poll printed in the *Washington Post* on the eve of *U.S. v. Butler* showed the public opposed to the Agriculture Adjustment Act.[103] On 19 October, Van Devanter wrote to a friend that he thought the election would be close.[104] Roosevelt could not have known how Van Devanter and perhaps some of his colleagues felt, but he was aware of information in the public record that might be leading the justices to that conclusion. The fledgling Gallup poll indicated that the Republicans had nominated by far their most popular candidate and placed Landon within four or five percentage points of Roosevelt all summer.[105] The prestigious *Literary Digest* poll, which had come within three points

[98] Morgan, *FDR*, 469.
[99] Mason, *Harlan Fiske Stone*, 454–455.
[100] Alsop and Catledge, *The 168 Days*, 41.
[101] Baker, *Back to Back*, 67–68.
[102] Ibid., 229.
[103] Alsop and Catledge, *The 168 Days*, 7; Leuchtenburg, "Origins of Court-packing," 368.
[104] Leuchtenburg, "Origins of Court-packing," 381.
[105] *Gallup Opinion Index* (December 1980), 28, 40.

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of the final tally in 1932, predicted a Landon victory with 57 percent of the popular vote and 370 electoral votes.[106]

After the election, Cummings and Roosevelt discussed the possibility that the President's landslide would convince the Court that it was isolated and should yield, however grudgingly, to political reality.[107] Although they decided that McReynolds and the other three conservative justices were too stubborn to change, there was some reason to think that the election results really had made a difference. Government lawyers noticed, for example, that the Four Horsemen now treated them with respect rather than contempt when they argued before the Court.[108] And Hughes was on record, in a just-published book, as arguing that when the Court departed from "its fortress in public opinion," it "suffered severely from self-inflicted wounds." Did this not give reason to think the chief justice might change course now that he knew which way the political wind was blowing?[109] Stone thought so; he also thought that Roberts might desert the Four Horsemen after election day.[110]

Roberts, in fact, did desert: it was his vote in *West Coast Hotel v. Parrish* and the Wagner act and social security cases that constituted the switch in time. That Roberts abandoned the conservatives in the aftermath of the election but before the President's Court plan was introduced is clear. He told Hughes in December that he would vote to affirm the Washington state minimum wage law.[111] Curiously, however, one could argue just as plausibly that the election postponed Roberts's alliance with the moderates as that it hastened the switch. Roberts had shown an early willingness to sustain New Deal-style programs. In 1934, for example, he wrote the majority opinion in *Nebbia v. New York*, strongly asserting the primacy of the public interest when in conflict with property rights, much to the fury of the Four Horsemen.[112] But in 1935 Roberts's name began to be mentioned as a possible presidential nominee for the Republicans in 1936, in the spirit

[106] Gallup, *Gallup Poll*, 39. James L. Sundquist, *Dynamics of the Party System*, rev. ed. (Washington, D.C.: Brookings Institution, 1983), 218.

[107] Alsop and Catledge, *The 168 Days*, 24.

[108] Ibid., 138–139.

[109] Charles Evans Hughes, *The Supreme Court of the United States* (Garden City, N.Y.: Garden City Publishing Co., 1936), 24, 51–53.

[110] Mason, *Harlan Fiske Stone*, 454.

[111] Merlo J. Pusey, *Charles Evans Hughes* (New York: Macmillan Co., 1952), 757, 766–772. Roberts always maintained that his votes in *Tipaldo* and *Parrish* were consistent, because in *Tipaldo* the controlling issue of *Parrish*, that is, whether to override *Adkins v. Children's Hospital* (261 U.S. 525 [1923]), was not properly brought before the Court by the plaintiffs. This explanation, unlikely though it seems, might be plausible if his vote in *Parrish* had not been followed so quickly by other switches in the Wagner act and social security cases. See Felix Frankfurter, "Mr. Justice Roberts," *University of Pennsylvania Law Review* 104 (December 1955): 311–317; and John W. Chambers, "The Big Switch: Justice Roberts and the Minimum-Wage Cases," *Labor History* 10 (Winter 1969): 44–73.

[112] *Nebbia v. New York*, 291 U.S. 502 (1934). Roberts also sided with the moderates in the gold clause cases.

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of the draft of then-Justice Hughes in 1916.[113] In view of the party's conservative center of gravity at the time, a shift to the right to draw the contrast between himself and the New Deal would have been sensible.[114] In summer 1936, however, Roberts saw not just his own chances dashed but the nomination of a centrist candidate and the adoption of an anti-*Tipaldo* platform by the Republican convention. The results in November only underscored how far the country had moved from conservatism.

In 1954, a then-retired Roberts appeared before a Senate committee to warn of Supreme Court justices who

> have had in the back of their minds a possibility that they might get the nomination for president. Now, that is not a healthy situation because, however strong a man's mentality and character, if he has this ambition in his mind it may tinge or color what he does . . . . I happen to have a personal knowledge of what that pressure is like, for twice ill-advised but enthusiastic friends of mine urged me to let my name go up as a candidate for president while I was on the Court.

Roberts added: "Of course I turned a hard face in that thing. I never had the notion in my mind."[115]

For Roosevelt to attack the Supreme Court in the 1936 campaign would have been risky. What if the issue backfired and made his reelection so narrow that he could not persuasively claim a mandate for Court reform afterward?[116] After the election, to wait, even if waiting included an endorsement of Sumners's retirement bill and offered the hope that one or more of the hoped-for changes in the Court would come about naturally, meant gambling that the justices would not continue on the course they had followed since 1935. But presidential power is never a sure thing. In this case, as in all cases, the most that one can conclude is that in view of the situation Roosevelt faced at the time, to fight or to wait were more likely to achieve his goals than any of the alternatives, including the Court-packing plan.

Conclusion

The Court-packing episode of 1937 may be understood well as a case study in presidential leadership, not just a unique historical event or an aspect of a partic-

[113] Baker, *Back to Back*, 123–124.

[114] There are alternative explanations for Roberts's growing affinity with the conservatives: fondness for McReynolds, sympathy with big business, constitutional philosophy, etc. Alsop and Catledge, *The 168 Days*, 6–7.

[115] U.S. Congress, "Composition and Jurisdiction of the Supreme Court," Hearings before a Subcommittee of the Committee on the Judiciary, U.S. Senate, 83rd Congress, second sess. (Washington, D.C.: U.S. Government Printing Office, 1954), 8–9.

[116] Yet if anyone should have been immune to this fear, it was Roosevelt. As noted earlier, he had little appreciation for the public's veneration of the Court; what is more, he had decided in January 1935, on the eve of the gold clause cases, that to attack and even defy the Court was a course he was willing to take.

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ular presidency, and from the perspective of Roosevelt's political situation at the time, rather than in hindsight. But is there a larger issue as well? Roosevelt's dramatic first-term legislative accomplishments already have been analyzed as manifestations of a pattern of presidential leadership success that includes an empowering election, suitable ideas, and the adroit exercise of political leadership skills. His second-term failure on Court-packing may illustrate another, more destructive pattern of the modern presidency.

It seems more than coincidental that the four twentieth-century presidents who have won the largest reelection victories (thus demonstrating their sensitivity to public opinion) instantly breached the bounds of permissible political action in a way that brought down the public's wrath. Roosevelt's Court-packing proposal in 1937, Johnson's unilateral escalation of the Vietnam war in 1965, the cover-up of the Watergate scandal by Richard M. Nixon in late 1972 and 1973, and Reagan's Iran-contra affair in 1985 and 1986. Compounding their problems, each then circled up the wagons, all of them manned by deferential aides and cronies, to seal out unpleasant but necessary political knowledge when things went badly. From the heights of political unity and consensus in the reelection, each president and the nation descended into varying depths of stalemate and suspicion during the second term.

The common feature of each of these self-inflicted wounds seems to have been the reelected president's errant conclusion that the voters had handed him blanket authorization to rule during the second term as he saw fit, rather than, as was more likely, that they had endorsed his conduct during the first term, expressed a lack of confidence in his opponent, and shown some faith that he would continue to lead as the skillful head of one branch of a three-branch government. There is nothing inevitable about such a reaction from presidents who are landslide reelection winners, but the temptation to a "*L'etat, c'est moi*" way of thinking in such an instance—and the need to resist it—are obvious.*

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Humanitarianism and Politics in Central America

GIL LOESCHER

Humanitarian work is generally perceived to be somehow separated from politics. This perception has persisted to some extent in the field of refugee protection and assistance. Yet workers in the field, especially those who assist refugees, are keenly aware that their activities are deeply intertwined with politics. Refugees are, in fact, an intensely political issue, and their existence affects both foreign and domestic policy, exacerbates interstate conflicts, and influences international attitudes.

An international regime—UN agencies, governments, churches, and voluntary agencies—evolved after World War II to aid and protect refugees. When the office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1951, its work was required to be humanitarian and nonpolitical. However, the postwar period is full of examples where political considerations have influenced international and governmental responses to refugee crises. The cold war in Europe facilitated the reception and care given to East European refugees in the 1950s and 1960s. UNHCR officials have realized for some time that whatever power they exercise is largely dependent on the financial and political support of the United States government and other large donor countries. In the United States it has been common for the government to link humanitarian concerns to strategic national interests. Refugees have been used both symbolically and instrumentally to serve larger American foreign policy concerns.[1] "Freedom fighters" from

[1] Gil Loescher and John Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door, 1945 to the Present* (New York: Free Press, 1986).

GIL LOESCHER is associate professor of government and member of the Kellogg Institute for International Studies at the University of Notre Dame. His most recent book is *Calculated Kindness: Refugees and America's Half-Open Door*, and he has written a number of articles on human rights and refugee issues. He is currently a visiting fellow at Queen Elizabeth House, Oxford University.

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Eastern Europe, Cuba, Indochina, and Nicaragua have been welcomed with open arms in the United States. For the United States, these refugees demonstrate the concrete failings of Communist societies. Refugees have also been used to undermine and destabilize enemy regimes; some refugees have been armed and their counterrevolutions supported both materially and ideologically.

Today, pressures to politicize refugee crises are increasing everywhere in the world. Humanitarianism has become a political tool used to justify arming refugee camps in Pakistan, Thailand, and Honduras; aiding insurgencies in Nicaragua, Ethiopia, and Angola; and suppressing insurgencies in El Salvador and elsewhere. The practice of using refugees in the service of foreign policy or military objectives is by no means limited to the United States, as indicated by the activities of the Palestine Libration Organization (PLO), Algerian support of Polisario guerrillas claiming the West Sahara, use by Libya of the northern Chadians in operations against Chad, the activities of South West African People's Organisation (SWAPO) in southern Africa, the sanctuary offered to antigovernment Ethiopian groups by Sudan and to Sudanese secessionists by Ethiopia, and numerous other cases. Through such developments, any independence of the humanitarian space on the landscape of politics among nations has evaporated.

The fate of efforts to build a space for humanitarian work is perhaps best exemplified by examining refugee policy in Central America, where war and political persecution have uprooted several million people since 1979. Statistics on displaced persons in Central America are difficult to obtain given the fact that this population is dispersed or wants to remain anonymous. Nevertheless, as of 1988, approximately 500,000 persons were displaced and unable to live in their home communities within El Salvador; another 500,000 were displaced within Guatemala; and at least 250,000 within Nicaragua.[2] Some of these persons live in recognized camps or settlements, but the majority are dispersed among the marginal population on the fringes of towns and villages. In addition, large numbers of Guatemalans, Salvadorans, and Nicaraguans have left their home countries as refugees and have sought safety in neighboring countries, where they are now playing an increasingly influential role in the politics of the region. Since the intensification of the Central American conflicts between guerrillas and armed forces began in 1979, approximately a million Salvadorans and 150,000 Guatemalans have fled their countries, going mostly to Mexico and the United States but also to neighboring na-

[2] See Frank Shary, "Displaced Persons: Humanitarian Challenge in Central America" in *World Refugee Survey 1984* (New York: US Committee for Refugees, 1984), 25–27; U.S. Committee for Refugees, *Aiding the Desplazados of El Salvador* (New York: U.S. Committee for Refugees, 1984); Mike Gatehouse, "Uprooted: The Displaced People of Central America," *British Refugee Council/Queen Elizabeth House Working Papers Series* 3 (May 1986); Lawyers Committee for International Human Rights and America's Watch, *El Salvador's Other Victims: The War on the Displaced* (New York: Americas Watch Committee, April 1984); and United States General Accounting Office (GAO), *Central American Refugees: Regional Conditions and Prospects and Potential Impact on the United States* (Washington, D.C.: GAO, 20 July 1984).

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tions.[3] In addition, since the advent of the Sandinista revolution and the contra war effort, about 100,000 Nicaraguans have left for neighboring countries and the United States.[4] This article is concerned with the latter groups, particularly those refugees in Mexico, Honduras, and Costa Rica. It examines the political dimensions of recent Central American refugee movements and analyzes the ways in which the perceptions of refugees and the treatment they receive from different governments have been politicized.

As refugees outside of their country of origin, they are entitled under international law to protection by the United Nations High Commissioner for Refugees and should be safe from being returned home against their will. Refugees are also entitled to a range of human rights and social and material assistance. Not only the UNHCR, but also the U.S. government, by virtue of being the hegemonic power in Central America, has a direct stake in refugee situations in every country in the region. The level of protection and assistance rendered these refugees is greatly affected by geopolitics and ideology, the interests of a wide range of social actors, and internal security concerns. When discussing refugee issues, it is necessary not just to focus on international legal standards, but also to look at the various actors, their interests, and the ways in which geopolitics, ideology, and ethnic politics factor into refugee policy.

For Central American governments, like governments elsewhere, refugees are intimately linked to their nations' security problems.[5] Governments walk a tightrope trying to balance economic, national security, and humanitarian interests. Most are extremely reluctant to accord legal status to refugees from neighboring countries for fear of damaging diplomatic relations, encouraging a mass influx of people seeking refuge, or offering protection to an ideologically incompatible group of persons. Refugees place unacceptably high burdens on Central American governments, which are facing severe problems during one of the worst economic crises in the region's history. Refugees require jobs and social services at a time when an increased number of nationals within host countries are also in desperate need of such jobs and services, creating popular resentment toward the refugees and pressures on governments to restrict immigration. Often refugees are vulnerable because they are living on or very near disputed borders and are either residing among combatants in an ongoing conflict or are perceived to be materially assisting guerrilla forces attempting to overthrow the government from which they have fled. Central American governments have viewed refugees as illegal immigrants, guerrillas, or subversives; and they have even accused the host governments that provide refuge and the voluntary agencies that work for refugees as

[3] Universidad Centroamericana, *Desplazados y Refugiados, Version Preliminar* (Displaced and Refugees, Preliminary Version) (San Salvador: 1985); and International Council for Voluntary Agencies (ICVA), *Consultation* (Geneva: 1986).

[4] ICVA, *Consultation.*

[5] See for example, Elizabeth Ferris, "Central America: The Political Impact of Refugees," *The World Today* 41 (May 1985): 100–101.

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leftist sympathisers or contra supporters. As a consequence, on various occasions some host governments have closed their borders to refugees, treated all who attempted to cross as illegal immigrants, expelled new arrivals, incarcerated and harassed those in border camps, and denied journalists and voluntary agencies access to refugee camps.

In early 1986, I travelled to Central America and Mexico with three other researchers. Before leaving for Central America, we travelled to Washington, D.C. and New York where we interviewed officials from the U.S. Department of State, the Inter-American Commission on Human Rights, Amnesty International, Americas Watch, Freedom House, Catholic Relief Services, Refugee Policy Group, and Oxfam USA, among other agencies. In Central America, we visited twelve refugee camps, where we interviewed hundreds of refugees either singly or in groups. We also interviewed sixty officials from the office of the U.S. High Commissioner for Refugees, the Inter-governmental Commission for Migration, the Mexican, Honduran, Nicaraguan, and Costa Rican governments, voluntary agencies, and several Catholic and Protestant bishops and clerics and lay workers. Since my trip to Central America, I have interviewed officials at the UNHCR and voluntary agency headquarters in Geneva and have presented my findings at seminars at Notre Dame, Oxford, and in Geneva.

Mexico

In 1981–1983, when tens of thousands of Guatemalans fled the counterinsurgency campaigns of General Rios Montt, the Mexican authorities initially tried to stem the overflow from Guatemala by forcibly turning back already weak and famished refugees across the border.[6] Emergency assistance was needed simply to assure the survival of the refugees, but the UNHCR and the Mexican government were slow to respond to the crisis. The Catholic Diocese of San Cristobal de las Casas and the already impoverished local peasant communities struggled to fill monumental needs. The Mexican military and migration authorities harassed the refugees and even illegally deported large numbers back to Guatemala.

Eventually, it became clear to the Mexican authorities that the Guatemalan Army's scorched earth campaign profoundly changed the Guatemalan countryside and accepted the fact that Guatemalans would continue to flee to Mexico for refuge. The Mexican Commission to Aid Refugees (COMAR), an interagency office within the Ministry of Interior, which had been established in July 1980 but had functioned badly and was alleged to be corrupt, was reorganized in 1983

[6] For background see Beatrice Manz, *Guatemala: Community Changes, Displacement and Repatriation* (Cambridge, Mass.: Harvard University Press, 1986); Elizabeth Ferris, "The Politics of Asylum: Mexico and the Central American Refugees," *Journal of Inter-American Studies and World Affairs* 26 (August 1984): 357–384; Sergio Aguayo, *El Exodo Centroamericano* (*Central American Exodus*) (Mexico: Secretaria de Educacion Publica, Foro 2000, 1985); Suzanne Fiederlein, *Central American Refugees in Mexico: The Search for a Policy* (Austin: University of Texas, 1985).

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and empowered to direct a comprehensive response to the influx of Guatemalan Indians. With funding from the international community (UNHCR), over eighty camps were set up in the Mexican southern state of Chiapas to house 45,000 refugees, many of whom were women and children.

Nevertheless, in 1988 living conditions in the camps in Chiapas are poor.[7] Mexico discourages further refugee migration by providing only minimal services in the camps and by refusing assistance to new arrivals. Mexican officials argue that providing adequately for refugees could trigger further resentment on the part of local Mexican populations who suffer from hunger, disease, and high infant mortality rates. It is unlikely that local integration will ever be allowed to take place officially in Chiapas. Most refugees cannot legally take jobs; when they do find employment, wages are much lower than those offered to Mexicans. Officially, refugees have no freedom of movement. Claiming that refugee camps in Mexico harbored guerrillas and subversives, the Guatemalan military in the past crossed the border and ruthlessly attacked refugees with impunity. Despite these attacks, Mexico was unwilling to protest strongly the incursions across its border or to take any actions that the Guatemalan government could interpret as hostile. Historically the two countries have had difficult relations over border incidents and over profound differences in political orientation. Chiapas is territory that has strong historical and cultural ties to Guatemala, and in the past the region has been contested by Guatemala. Under these delicate and dangerous circumstances, Mexico was especially sensitive not to unduly antagonize its southern neighbor, fearing that a deterioration in its relations with Guatemala could lead to a militarization of their common border.

The presence of Guatemalan refugees in Chiapas, therefore, is a source of tension for Mexico's relations with Guatemala and has been perceived by some Mexican officials as a national security risk. Nevertheless, Mexico is willing to offer limited protection to the refugees by allowing them to stay in its territory. But it is unwilling to recognize them officially as refugees, which would allow them permanent residence and would imply a negative judgment on Guatemala's political system. Mexico handles the problem of the Guatemalan Indians' legal status by placing them in the category of "border visitors" and granting them temporary renewable visas. At the same time, Mexico has attempted to defuse the tension in Chiapas by moving the refugees away from the border.

Since June 1984, about 20,000 refugees have been relocated from Chiapas to the states of Campeche and Quintana Roo in the Yucatan peninsula, where they live in four refugee centers on land donated by the Mexican government.[8] Certainly these refugees are safer and more economically secure in the Yucatan, but understandably refugees have been extremely reluctant to leave the border area.[9]

[7] The author visited refugee camps in Chiapas and in Campeche, Yucatan peninsula in January 1986.

[8] See Sergio Aguayo Quezada and Laura O'Dogherty, "Los Refugiados Guatemaltecos en Campeche y Quintana Roo," *Foro International* 106 (October–December 1986): 266–295.

[9] Author's interviews with Guatemalan refugees in Chiapas and Campeche, Mexico City, January 1986.

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The terrain and population in Campeche and Quintana Roo are quite different from Chiapas. The climate is hot and dry and there is a persistant problem with having access to sufficient supplies of water. Moreover, there is not enough available land to farm, and opportunities for employment outside the centers are minimal. Chiapas, on the other hand, is similar to those parts of Guatemala the refugees left behind. The geography is almost identical and many of the refugees share parts of a common sociocultural heritage with the local Indian population. In Chiapas, the Guatemalans are still close to their former homes. They only have to lift their eyes to the horizon to see the Guatemalan highlands.

In the past, however, COMAR had insisted that, if possible, all the Guatemalans should relocate to the Yucatan peninsula.[10] They argued that only by moving from the border could the refugees be physically safe from further attacks by the Guatemalan army. In addition to such practical considerations, the Mexican government believes the relocation of Guatemalans from the strategically important border also serves politically useful ends.[11] Population pressure on available arable land and the rapid deforestation of the region have led to a deterioration of living conditions. The Mexican authorities fear that the Guatemalan refugees will strain the existing sociopolitical situation and create fertile ground for political conflict. Chiapas is a politically unstable region, which has more than its share of university strikes, political killings, and land tenure problems.[12] Some Mexican officials fear that the Central American revolutions might extend into southern Mexico which, although poor and underdeveloped, is rich in natural resources. As importantly, Mexico wants to reduce friction with Guatemala by removing a significant source of that friction—the refugees—from the border areas.

All means of persuasion have been used to get the refugees to move from Chiapas. In the past, COMAR cut off supplies to certain camps. Mexican soldiers and border police verbally assaulted the refugees, and there were repeated allegations of physical intimidation. The army occasionally burned camps after they were vacated in order to prevent refugees from returning.[13] There is a long tradition of disagreement between national government authorities and the Catholic Church in San Cristobal, and the presence of refugees in this region exacerbates these tensions. Bishop Samuel Ruiz of San Cristobal has routinely criticized the government's

[10] Author's interviews with UNHCR and COMAR (Mexican Commission to Aid Refugees) in Chiapas, Campeche, and Mexico City, January 1986.

[11] Author's interviews with Mexican government and Catholic Church officials and lay workers, Chiapas and Mexico City, January 1986. See also Americas Watch, *Guatemalan Refugees in Mexico: 1980–1984* (New York: Americas Watch, September 1984); Aguayo, *Exodo Centroamericano*; and Ferris, "Politics of Asylum."

[12] See Amnesty International; *Mexico: Human Rights in Rural Areas* (London: Amnesty International, 1986); Ferris, "Politics of Asylum," 366.

[13] Author's interviews with Guatemalan refugees in Campeche, with Bishop Samuel Ruiz of San Cristobal, and with Catholic Church officials, January 1986. Past COMAR activity has also been detailed in Aguayo, *Exodo Centroamericano.*

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violations of refugees' rights. The controversy over relocation has tended to polarize the positions of the Mexican government, on the one hand, and the refugees, the local Catholic Church, and voluntary agencies on the other. The UNHCR position is that it opposes the use of violence by Mexican authorities in transferring refugees who refuse the relocation to Campeche and Quintana Roo, while conceding Mexico's sovereign right to decide to move refugees away from border areas. At the same time, UNHCR has made it clear additional relocations would be unsuccessful unless Mexico provides more land for the refugees. Such political decisions are likely to be taken only after the 1988 presidential election in Mexico.

The issue of relocation has been recently superceded in importance by the possibility that some or all of the Guatemalans might be repatriated. With the inauguration of the civilian regime of Vinicio Cerezo in Guatemala in January 1986, hopes were raised for the possible repatriation of thousands of Guatemalans outside the country. During the rule of former military regimes, only a few thousand Guatemalans had returned home from Mexico. Information about the fates and whereabouts of Guatemalan returnees is inadequate. However, at least some of them were reported to have been forced to live in army-run "model villages" or *polos de desarrollo* where, it is said, many of the inhabitants were virtual prisoners subjected to roll-calls, compulsory labor, and reeducation sessions.

The new president is the first civilian to lead Guatemala since a brief interlude in 1966, and he heads what is effectively the first popularly elected government since 1954. There were hopes that Vinicio Cerezo would take advantage of this wave of support to consolidate civilian power and push through a program of political and economic reforms after decades of repression and military rule.[14] In particular, hopes have been raised regarding an improvement in the human rights situation in Guatemala. Reports on political violence in Guatemala by the U.S. State Department, the Guatemalan government, and human rights organizations give contrasting views of Guatemala's human rights situation since President Cerezo took office. For example, the 1987 State Department country report on human rights in Guatemala claimed: "In 1986, political killings and kidnappings dropped to the lowest level in this decade."[15] The Guatemalan government claims there is virtually no political violence. Human rights organizations dispute these findings. According to voluntary agencies working in the field and human rights organizations, the new president is having difficulty ending violent repression and restoring civilian rule in the Guatemalan countryside. Although the controversial secret police force (Departamentos de Investigaciones Técnicas) was officially disbanded in February 1986, human rights violations, including political assassinations, continue to occur.[16] The *polos de desarrollo* have increased in number, and compul-

[14] Jonathan Power, "Guatemala: Stirrings of Change," *The World Today* 42 (February 1986): 31–35.

[15] U.S. Congress, Senate Committee on Foreign Relations, House Committee on Foreign Affairs, *Country Reports on Human Rights Practices*, 100th Cong. 1st sess., 1987, 509–510.

[16] See for example the written statement submitted by the International Federation of Human Rights before the UN Subcommission on Prevention and Discrimination and Protection of Minorities (UN

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sory participation of all men between the ages of 18 and 50 in civilian patrols under army control persists despite the new president's promise to end this practice. The military maintains full control of the rural areas; and displaced persons, returnees, and the few voluntary agencies allowed to work with these groups remain under the strict supervision of the Ministry of Defense.[17]

Despite this controversy over the human rights situation in Guatemala, discussions between the Guatemalan and Mexican governments and UNHCR were initiated in order to determine the possibilities for the safe return home of Guatemalan refugees. At the same time, a visit by the president's wife, Mrs. Cerezo, to refugee camps in Mexico and bilateral discussions between Guatemala and Mexico regarding repatriation occurred on different occasions throughout 1986 and 1987. Cerezo personally invited all Guatemalan refugees abroad to return home and he set up a Special Commission on Repatriation (CEAR), which has significant military representation to supervise the reception and transportation of returning Guatemalan refugees. In March 1987, the UNHCR established a chargé de mission in Guatemala City and in July 1987, opened a repatriation office in Huehuetenango to receive the returnees. Huehuetenango is a department bordering on Mexico, which has little available arable land and is plagued by land tenure problems. In order to ease the repatriation process, the UNHCR and the European Economic Community have initiated an $898,000 rehabilitation project to cover reception costs and immediate assistance and to pay to upgrade schools, build health clinics, and dig wells in Huehuetenango.[18] In addition, repatriates are given short-term assistance by UNHCR and the World Food Program before they leave Mexico. Upon their arrival in Guatemala, further assistance is provided by CEAR.

Although during 1987 approximately 800 Guatemalans returned with UNHCR assistance, and many more returned spontaneously and without official UNHCR sponsorship, the majority of Guatemalan refugees are reluctant to repatriate while the domestic political situation remains unsettled and the army maintains undisputed control of the rural areas. Nongovernmental organizations at work in the area, the Catholic Church of Guatemala,[19] and the refugees themselves do

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E/CN.4/Subject 2/1987/NGO/8, 12 August 1987). See also Amnesty International, *Guatemala: The Human Rights Record*, 1987; Americas Watch and British Parliamentary Human Rights Group, *Human Rights in Guatemala* (New York: Americas Watch, 1987); and Catholic Institute for International Relations (CIIR) and Latin America Bureau, *Guatemala: False Hope, False Freedom*. (London: CIIR, 1987).

[17] Patricia K. Hall, "Military Rule Threatens Guatemala's Highland Mayan Indians," *Cultural Survival Quarterly* 10 (Summer 1986): 48–52; and ICVA *Minutes*, Subgroup on Mexico and Central America, New York, 3 March 1986, 3–4, and San Jose, Costa Rica, 21–23 November 1985, 5.

[18] See Sidni Lamb, "Gutemalan Exiles and Returnees," *Refugees* 44 (August 1987): 31.

[19] The Guatemalan Catholic Bishops believe that security conditions are not good enough for them to endorse repatriation, but they are under considerable pressure to cooperate in assisting returnees. The local Church in Huehuetenango does help implement assistance programs to those who choose to return but maintains a low profile. Author's interviews with UNHCR, International Catholic Migration Commission, and World Council of Churches, Geneva, September 1987.

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not consider the situation in Guatemala safe for repatriation at this time. While UNHCR and CEAR can supply transport and basic material assistance, they cannot provide physical protection to returnees in the isolated areas to which they return. In March 1987, Guatemalan military forces in Huehuetenango voiced their opposition to repatriation from Mexico of Guatemalan refugees, particularly those from Chiapas. The army believes the refugees have been penetrated by the guerrillas and cannot be trusted. Some military officers hold that refugees who are not accepted by their home communities should be resettled in *polos de desarrollo* and subjected to psychological operations. No one in the army is anxious to see refugees return in large numbers but for the present acquiesce in the repatriation of small groups they feel they can control.[20] Also there is reported to be local opposition to the return of refugees in Huehuetenango. There have been complaints from repatriated refugees who say that when they do return to their villages, their land has often been expropriated by squatters and that they are harassed by the civil patrols established by the army. They also complain that they are forced to sign the government amnesty decree and are subsequently viewed with hostility by their neighbors, who suspect them of being linked to the guerrilla movement.[21] Apparently other refugees have reintegrated successfully, although all returnees are faced with the same economic and security restraints as the rest of Guatemala's rural population. The condition of returnees varies from one community to the other, but internal turmoil is the rule and not the exception. In these circumstances, the position of UNHCR is to facilitate voluntary repatriation of Guatemalans whenever it is clear that individual refugees have asked to go home but not to actively promote repatriation. At the same time, UNHCR is identifying UN agencies, such as the United Nations Development Program (UNDP), and voluntary agencies with programs in Guatemala whose collaboration in reintegration assistance could be sought either as an implementing partner or resource organization should the conditions for voluntary repatriation dramatically improve.

The huge numbers of undocumented persons from Central America currently residing in Mexico present an additional intractable refugee problem. On the Pacific coast, around Tapachula—the entry point into Mexico from Guatemala and the rest of Central America—there are tens of thousands of Guatemalans and an indeterminant number of Hondurans who are seeking refuge.[22] There has always existed a traditional flow of migrant workers from Guatemala, who have worked on the coastal coffee, sugar, and cotton plantations in Mexico and who, after the harvests, have returned home. Today, however, the economic situation is so bad in the Guatemalan highlands that the Indian workers simply remain on the fringes of the plantations in Tapachula or go on to the United States after the harvest

[20] Author's interviews with UNHCR staff and voluntary agencies, Geneva, September 1987.

[21] Americas Watch Committee, *Guatemala News in Brief* 15 (July 1987): 11.

[22] Edelberto Torres-Rivas, *Report on the Condition of Central American Refugees and Migrants* (Washington, D.C.: Georgetown University, Center for Immigration Policy and Refugee Assistance, July 1985), 39.

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season. These people are largely unassisted by the international agencies and COMAR, although they are helped by the local Catholic diocese and by some voluntary agencies, principally CODAIF (Diocesan Committee to Aid Immigrants at the Frontier).

Perhaps the most vulnerable refugee population in Mexico is the Salvadorans. Mexico competes with the United States in having the largest numbers of Salvadorans outside El Salvador. Estimates as to their numbers range from 100,000 to 200,000.[23] Most Salvadorans arrive by air on tourist visas and overstay their time, or enter illegally through the coastal corridor at Tapachula. Since 1983, Mexico has tightened its visa requirements for Central Americans in an attempt to reduce the influx of illegal aliens. The Salvadorans living illegally in Mexico find it increasingly difficult to blend into the national society because of the continuing economic crisis and the consequent high unemployment. Unlike the Guatemalans, who are basically Indian peasants from impoverished rural areas, the Salvadorans come from urban areas or small towns. Many are young men who have fled to Mexico out of fear of being pressed either into government military service or into the guerrilla forces. They come individually or in small groups and are dispersed among the most marginalized populations in Mexico's urban *barrios*, where they are vulnerable to extortion and exploitation by some corrupt Mexican officials. Although Mexico has been forced by national and international pressure to provide a temporary solution to the plight of Guatemalans in Chiapas, no such similar pressures exist in the case of Salvadorans in the interior. Their plight has received little attention and COMAR does not provide direct social services to the Salvadorans. Only a handful of voluntary agencies, chiefly SEDEPAC (Service for Justice and Peace A.C.) and Catholic and lay missionaries offer minimal help and programs. Also, UNHCR does provide assistance, educational grants, and administrative and social services to many individual Salvadorans in Mexico.

In addition to their precarious economic situation, Salvadoran refugees have virtually no legal protection and live in constant insecurity. The UNHCR can offer them only limited protection. Mexico has not yet signed either of the two principal international refugee instruments, the 1951 UN Convention on Refugees and the 1967 Protocol, and Mexican law does not recognize the status of refugees. However, Mexico is a signatory to several inter-American conventions on asylum and does recognize asylees' status. Unfortunately the protection offered under these conventions is limited, and flight solely because of personal safety is not sufficient grounds to warrant asylum. In Mexico, asylum requires political persecution as the main cause of exodus.

For Salvadoran refugees, it is difficult to make a case for political asylum, since persecution must be proven on an individual basis. The majority of Salvadorans

[23] Ibid., 24–26; General Accounting Office, *Central American Refugees*, 26; U.S. Congress, *Refugee Problems in Central America*, staff report, 98th Cong. 1st sess. (Washington, D.C.: U.S. Government Printing Office, 1983).

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cannot adequately document their cases, and only a small minority can prove direct political involvement as the cause of their flight. Because very few Salvadorans can prove individual persecution and because many are perceived as economic migrants, the UNHCR office in Mexico City recognized only a small number of Salvadorans as asylees. Until recently, the Mexican government granted legal status of security to only a handful of the candidates for asylum presented by UNHCR.[24] By 1987, this situation had changed significantly for the better.

North of Mexico City, Salvadorans and illegal immigrants are easy prey to Mexican officials and the bands of human smugglers or "coyotes." Harassment, intimidation, imprisonment, and deportation are common for refugees unable to pay the necessary bribes. In the early 1980s, the Mexican government deported between 600 and 1,000 illegal immigrants weekly, but there was no way of determining who were refugees and who were economic migrants.[25] Today's figures are not available. Mexico cooperates with U.S. border officials in returning Central Americans apprehended at the border to Central America. According to voluntary agencies working in the area, approximately 600 Central Americans are detained each month in Mexican border cities, where they are subjected to abuse and extortion.[26] Mexican agencies intervene to protect many of the most vulnerable cases. The Centro de Investigacion y Estudios in Tijuana has secured the release of hundreds of such Central American refugees imprisoned by Mexican authorities.[27]

It is U.S. deterrence policy to stop the flow of Central Americans to the United States by capturing potential refugees before they cross the border. Mexico has tightened its control over Central Americans attempting to cross the northern border into the United States but prefers not to publicize such actions. Although both governments want to reduce the flow of Central Americans into their countries, bilateral cooperation on immigration matters has been limited by international and domestic policy factors. Mexico and the United States have widely different perspectives toward the conflicts in the region. The Central American refugee issue exacerbates tensions over U.S. treatment of Mexican nationals, who still outnumber the Central American arrivals. And there exist significant internal Mexican pressures against any actions that appear to subordinate Mexican policies to U.S. pressures.[28] These Salvadorans who manage to evade the Mexican authorities but are

[24] Author's interviews with UNHCR officials in Mexico City, January 1986 and with Patricia Weiss-Fagen, Washington, D.C., December 1985.

[25] Ferris, "Politics of Asylum," 368.

[26] ICVA Consultation on Refugees and Displaced Persons in and from Central America and Mexico, San Jose, Costa Rica, 11-14 September 1986, 17.

[27] Jose Luiz Perez-Conchola, "Refugiados Centro-Americanos en Mexico: La Frontera del Norte," *Refugees* (World Council of Churches) 81 (November 1986); author's interview with Jorge Bustamente, University of Notre Dame, April 1987.

[28] Author's interview with Patricia Weiss-Fagan, Washington, D.C., December 1985 and with Sergio Aguayo, Mexico City, January 1986.

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seized by the U.S. border patrol after entering the United States are confined to detention centers and deported.

Each month about 500 Salvadorans are deported from the United States directly back to San Salvador.[29] The Intergovernmental Committee for Migration (ICM) cooperates with the United States in the Salvadoran deportation program. ICM receives the returnees upon their arrival in the San Salvador airport, registers the returnees, and provides them with identity papers and funds for initial transport and lodging. Between 1 December 1984 and 30 November 1985, 5,698 Salvadorans who were returned from the United States were met by ICM.[30] ICM has attempted to maintain contact with those registered with it by distributing a questionnaire to returnees. Those who have returned the questionnaire have indicated that they have experienced no problems. This information is used by the U.S. government to justify further deportations. ICM is by no means an international protection agency and cannot provide protection to the returnees. Information on the questionnaires regarding the plight of Salvadoran returnees is extremely limited and about half of them do not respond at all. The Political Asylum Project of the American Civil Liberties Union claims that during 1984 there were 119 cases of returnees allegedly imprisoned, tortured, or killed;[31] but the U.S. State Department disputes this finding. There remains an urgent need for a credible international or regional agency such as UNHCR, the International Committee for the Red Cross (ICRC), or the Inter-American Human Rights Commission to monitor Salvadoran returnees.

HONDURAS

The refugee situation in Honduras is even more complicated than that existing in Mexico and is intimately tied to the geopolitics of the region. The actors are numerous and include not only the Honduran government and military, but also the Honduran Refugee Commission (CONARE), the U.S. government, the UNHCR, the Honduran Catholic church, voluntary agencies, the Nicaraguan contras, international human rights and religious groups, and the refugees themselves. Honduras has refugees from all three refugee-producing countries in Central America: El Salvador, Guatemala, and Nicaragua. Since the early 1980s, the number of officially recognized refugees include about 20,000 Salvadorans; about 500 Guatemalans; about 15,000 Miskito, Sumo, and Ramos Indians and other Atlantic coast refugees from Nicaragua; and about 11,000 Ladino or Spanish-speaking Nicaraguan refugees. Among the Atlantic coast refugees, there are numerous factions, each with its own political agenda.

[29] Author's interview with UNHCR official, Washington, D.C., December 1983; Loescher and Scanlan, *Calculated Kindness*.

[30] Author's interview with Albert Corkos, Intergovernmental Committee for Migration, San Salvador, January 1986.

[31] American Civil Liberties Union Fund, *The Fates of Salvadorans Expelled from the United States* (Washington, D.C.: ACLU Political Asylum Project, 5 September 1984).

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There are several strategic, historical, and legal influences on refugee policy making in Honduras. Real decision-making power remains in the hands of the military commanders in Honduras who, in turn, are directly influenced by the U.S. government.[32] Honduras regards the refugee problem as a matter of national security, rather than a humanitarian issue. Thus the treatment and protection accorded refugees are determined largely by geopolitical and strategic considerations, in particular by Honduran relations with the U.S. and Salvadoran governments. Although refugees are a microcosm of the geopolitical struggle in the region and are viewed by the Honduran military and the United States in East-West/Communist versus non-Communist terms, history, geography, and border tensions also have their impact on policy and to a certain extent moderate the effect of ideology on policy making.

Traditionally, Hondurans perceive El Salvador as posing the principal threat to their security. This is partly the result of demography. El Salvador is the most densely populated country in the region and Honduras has far fewer people per square mile. For some time there has been a traditional migration of agricultural workers from El Salvador to Honduras. Salvadorans are viewed as industrious and aggressive, and Hondurans don't want them to settle in their country. The so-called Soccer War in 1969 between the two countries was a result of these migration tensions. The recent wave of Salvadorans began in 1980 and settled precisely in this conflictive region of historical migration. Nicaragua, on the other hand, is not viewed as a traditional threat to Honduran security. Although there were border clashes in the 1950s and 1960s and problems during the Sandinista insurgency in the 1970s, the Honduras-Nicaragua relationship has been more harmonious than the Honduras-El Salvador relationship. Thus the Honduran military is divided over how to treat Nicaragua. The American-trained soldiers share the U.S. geopolitical view of the Sandinistas and consider the Communists the principal threat to Honduran security, while the Soccer War veterans see El Salvador as the danger. These soldiers resent the training of Salvadoran soldiers on Honduran territory and view such efforts as enabling El Salvador to one day more easily achieve its ambitions and seize Honduran territory.

In addition, Honduras is not a signatory to the 1951 UN Refugee Convention or the 1967 Protocol. Honduran migration authorities issue identity cards to refugees in camps and recognize Salvadorans and Guatemalans as refugees legally in the country. However, Salvadoran refugees are restricted to the camps and have no right to work or travel. Moreover, there is no guarantee of physical safety for these individuals, because they are either in camps located only a few kilometers from the militarized border zone or in camps surrounded, controlled, and harassed by the Honduran military. Honduras treats refugees as an essentially political problem to be resolved outside any legal framework and has formulated policy

[32] James LeMoyne, "U.S. Role Grows in Honduras," *International Herald Tribune*, 14 July 1986. This observation was confirmed by on-site interviews with Honduran politicians and voluntary agency officials.

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using chiefly ideological and geopolitical considerations rather than legal considerations. This development has had a powerful impact on the level of protection accorded refugees of certain nationalities in Honduras and has resulted in a double standard being applied that discriminates against Salvadorans and Guatemalans and favors Nicaraguans.

To date, the response of Honduras to the Salvadorans and Guatemalans seeking refuge in the country has been to place them in camps under strict military guard. Violent crimes against the refugees have been committed with apparent impunity.[33] The worst such attack occurred on 29 August 1985, when the Salvadoran camp at Colomoncagua was surrounded by Honduran military forces while a division of the COBRAS, an elite counterinsurgency force, entered the camp and terrorized the refugees. In the violence that followed, two refugees were killed, one a three-month-old baby reportedly kicked to death. Thirteen were wounded, one of whom subsequently died as a result of injuries suffered during the attack.[34] It was the first time in Latin America that a host government army killed and wounded refugees in a United Nations-run camp. Ten Salvadorans were detained and confined in small prison cells in Tegucigalpa until their release for resettlement abroad in January 1986. Attacks against individual Salvadoran refugees continue, and local and international voluntary agency personnel daily risk their lives to perform their duties in these camps.

This policy of persecution of Salvadoran refugees stands in marked contrast to the policy applied to refugees from Nicaragua. Unlike the Salvadoran refugees who are sympathetic to the forces fighting against the U.S.-backed government of El Salvador, many Nicaraguan refugees either are opposed to Nicaragua's Sandinista government or are fleeing the violence in their country. Nicaraguan refugees are not subjected to the same strict monitoring by the Honduran army. Although the freedom of movement previously accorded Nicaraguan refugees has been curtailed, they enjoy much greater freedom of movement than the Salvadorans and can work outside their camps. Contra commanders enter Nicaraguan camps and openly recruit young refugee men into the armed forces. This contrasts sharply with the officially-sponsored campaigns of vilification depicting the Salvadoran refugees and the voluntary agencies that help them as threats to Honduran national security.

Tensions between the Honduran authorities and the Salvadorans continue because of the Hondurans' belief, shared by the U.S. government, that the refugee camps along the border provide direct support for Salvadoran guerrillas.[35] The

[33] Americas Watch and Lawyers Committee for International Human Rights, *Honduras: A Crisis on the Border* (New York: Americas Watch Committee, January 1985).

[34] A detailed account of the attack on Colomoncagua can be found in *Canadian Church Task Force on Salvadoran and Indigenous Nicaraguan Refugees in Honduras*, 29 August–5 September 1985, Toronto. InterChurch Committee for Refugees and InterChurch Committee on Human Rights in Latin America, October 1985. See also *New York Times*, 5, 7, 8 September 1985.

[35] Author's interviews with U.S. State Department officials in Washington, D.C., December 1985

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refugees in these camps originate principally from the border departments of Morazan, Cabanas, and Chalatenango, where guerrilla activity is intense. Therefore, sympathy for the Farabundo Marti Liberation Front (FMLN) forces among the refugees is great, but according to UNHCR and voluntary agency staff who actually live in the camps, the Salvadoran refugees provide moral, not strategic, support to the guerrillas.[36] The refugee camps at Colomoncagua and San Antonio house for the most part women, children, and old men and are unarmed. As a result, refugees have not been able to defend themselves against the Honduran army during previous attacks and harassments. The voluntary agencies that distribute food and medicine to the refugees and oversee the camp workshops that produce clothes and boots also completely disagree with Honduran and U.S. allegations that the refugees are channelling a significant amount of supplies (boots, clothes, food, medicine) to guerrillas fighting inside El Salvador.[37] Moreover, the camp is surrounded by an aggressive Honduran military patrol. An on-site investigation of the security situation at Colomoncagua by the author in early 1986 confirms the UNHCR-voluntary agency view that it would be physically impossible to smuggle any significant amount of aid through that encirclement patrol. However, the U.S. and Honduran governments remain adamant that their positions are correct, and the issue symbolizes the intensity of the conflict between Honduras and the United States on the one hand and the refugees and certain voluntary agencies on the other.

There have also been attempts to relocate and repatriate Salvadoran refugees. The Honduran military (and the U.S. government) have in the past pushed hard for relocating the Salvadoran refugees encamped along the border, by force if necessary, to Mesa Grande or other suitable sites further inland. Relocation, it was believed, would cut the guerrilla life line and clear the border for military manoeuvers.[38] The refugees, backed by the voluntary agencies, believed that they should be allowed to stay where they are with improved protection and greater opportunities for self-sufficiency. There was also concern that, regardless of the merit of the move from the border, it could not be accomplished without violence. The UNHCR supported an earlier relocation of Salvadorans, which took place in late 1981. This move was forcible and involved considerable hardship and loss of life.[39] No buildings were prepared prior to the refugees' arrival at the relocation

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and with Honduran government and U.S. State Department officials in Tegucigalpa, Honduras, January 1986.

[36] The author visited and stayed overnight in the camp at Colomoncagua in January 1986 and interviewed UNHCR and voluntary agency staff and Salvadoran refugees.

[37] Ibid.

[38] Author's interviews with U.S. State Department officials in Washington, D.C., December 1985 and in Tegucigalpa, January 1986.

[39] See Americas Watch and the Lawyers Committee for International Human Rights, *Honduras*; Patricia Weiss-Fagen, *Refugees and Displaced Persons in Central America* (Washington, D.C.: Refugee Policy Group, March 1984).

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site at Mesa Grande and there was a severe shortage of water. Food supplies were cut off to those who refused to relocate, and numerous refugees and Honduran voluntary agency workers were murdered or injured. Conditions were so horrible that an estimated 4,000 Salvadorans repatriated to El Salvador rather than remain in Honduras. Because UNHCR supported the relocation, relations between it and the voluntary agencies deteriorated significantly.

When Honduras announced its plans for a second relocation in December 1983, UNHCR affirmed the right of the Honduran government to determine the location of the refugee settlements but made it clear that it would support further relocations only if they could be carried out without violence and only if the refugees were given land to farm, were allowed to become self-sufficient, and could obtain work and have freedom of movement. Government efforts to establish a new relocation program faltered because of vociferous local opposition from the population at proposed relocation sites in Olanchito in northern Honduras and in other states. The Honduran populace deeply resented giving over large tracts of land to Salvadoran refugees when they themselves had little or no land to till. Moreover, the Honduran army was divided over the relocation issue and did not want to see Salvadorans as permanent settlers. International human rights and religious groups also criticized the relocation plan. In light of this opposition, the Honduran authorities were forced to publicly abandon relocation after the August 1985 attack on Colomoncagua. José Azcona Hoyo, the president of Honduras, affirmed that relocation is no longer a priority for Honduras and that refugees will not be moved against their will.[40] Instead, the Honduran authorities are escalating their military presence around the camps and have assumed more direct administrative control over the refugee programs inside the camps.[41] The objective of such maneuvers is to make conditions inside the camps as austere as possible so as to discourage new arrivals and to encourage repatriation to El Salvador.

Repatriation has always been an option for Salvadoran refugees in Honduras.[42] In late 1981, 4,000 Salvadorans spontaneously returned home rather than relocate to Mesa Grande in Honduras. During the past several years, several thousand more Salvadorans have repatriated. Most of these refugees were accompanied to the border by UNHCR officials in Honduras, who gave them basic subsistence aid for the first few weeks upon their return. Because UNHCR had an extremely limited presence in El Salvador, it could not possibly monitor returnees adequately. Nevertheless, the possibility of large-scale repatriation was kept alive through the existence of an official tripartite commission comprising El Salvador, Honduras, and UNHCR.

In August 1986, UNHCR opened a chargé de mission in San Salvador in order to assist returning refugees. Since February 1987 the UNHCR has received returnees

[40] Author's interviews with UNHCR officials, Geneva, May 1986.

[41] ICVA, *Minutes*, 2.

[42] For background see Sidni Lamb, "El Salvador: Next Stop: Home," *Refugees* 44 (August 1987): 20–22.

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at the border and has helped them obtain birth certificates, national identification cards, and other documentation needed to travel within the country. As a result, the number of organized repatriation movements from Honduras to El Salvador have continued at a steady rate. In October 1987, 4,500 Salvadorans repatriated en masse to El Salvador from Mesa Grande. Most of these refugees had been in camps for six years and were increasingly frustrated by the harsh conditions of camp life and by the total lack of possibility for local integration in Honduras. The refugees had set certain conditions for their repatriation, including the promise by Salvadoran officials that returnees could go back to their places of origin, that they would not be drafted into military service, that there would be no military posts in their communities, that they would have freedom of movement and the right to work, that they would have a right to assistance from international agencies and free access to the media.[43] The social secretariat of the Salvadoran Catholic Archdiocese, as well as national and international agencies within El Salvador, have mobilized themselves to coordinate assistance to the returnees and to monitor, along with UNHCR, their safety upon return.

Repatriation poses considerable problems for the government of El Salvador. Since the passage of the Immigration Reform and Control Act of 1986 in the United States, the Duarte government has been apprehensive about the possible return home of nearly half a million Salvadorans living illegally in the United States and subject to deportation. Moreover, the armed forces of El Salvador perceive the refugees as guerrilla sympathizers and are reluctant to permit a mass return to their original areas where the guerrilla opposition is most active. Therefore, returnees cannot be certain of their physical safety. In September 1987, for example, six returnees were wounded and one died when Salvadoran planes bombed a small village in one of the areas of El Salvador selected for repatriation.

Although Salvadoran refugees frequently have their human rights abused and their physical safety threatened, Nicaraguan refugees also have security problems. Problems of protection arise from the activities of the Nicaraguan armed opposition forces (contras), who are frequently given free reign by the Honduran military. Nicaraguan refugees serve convenient symbolic and instrumental purposes in U.S. foreign policy. Symbolically they are perceived by anti-Communists as fleeing a repressive totalitarian regime. By "voting with their feet," they are sending a clear message to the world that life inside Nicaragua is intolerable.[44] Nicaraguan refugees are also instrumentally useful. They are freedom fighters who can be trained and used to wage revolutionary war against Nicaragua, America's principal adversary in the region. Thus, U.S. humanitarian aid to these groups and to the contras is perceived to have become an open political tool to arm refugee camps and to aid insurgencies. The Honduran position is more complicated, because the authori-

[43] These conditions were set out in at least two letters sent by the refugees at Mesa Grande to government and international officials on 10 January and 2 April 1987.

[44] See, for example, U.S. Department of State, *Human Rights in Nicaragua under the Sandinistas* (Washington, D.C.: Department of State, December 1986), 64.

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ties have to placate internal Honduran resistance to the presence of contras on Honduran soil and at the same time respond to external pressures from Washington to allow the contras a base for their guerrilla activities. Thus Honduras has maintained an official policy of not openly admitting to the presence of contras within its territory while quietly cooperating with U.S. efforts to supply them.

Nicaraguan refugees, particularly Ladinos, are served solely by the Honduran Red Cross and by conservative Protestant evangelical agencies that are anti-Sandinista and openly support the contras.[45] The influx of Ladinos began in 1982, and there has been a continuous increase in numbers since that time. Many of the refugees are peasants fleeing fighting in the Nicaraguan countryside; others are young men fleeing conscription into the Sandinista military. Moreover, as the domestic economic situation in Nicaragua has steadily deteriorated further under American sanctions, still more Nicaraguans have fled to Honduras. In recent years, the size of the Ladino camps has nearly doubled as large numbers of Nicaraguans associated with the contras have sought safety further inland.[46] Because of the partisan political setting, many voluntary agencies have shied away from working in these camps. The lack of a more neutral international presence in these camps has made it easier for the refugees themselves to be exploited by the contras and the United States for political and military purposes.

As counterinsurgency forces brought war to the border areas and as groups of Atlantic coast Indians became discontented with the Sandinista regime and its political indoctrination, thousands of Miskito and Sumo Indians fled Nicaragua during 1981–1983.[47] The 20,000 Miskitos and other Atlantic coast refugees who took refuge in the sparsely populated region near the Honduran Caribbean coast have been particularly exploited for political purposes. Miskito and Sumo Indians have been manipulated ideologically and subjected to forced military recruitment by militant Nicaraguan Indian groups allied with the contras, particularly along the Rio Coco between Honduras and Nicaragua.

The militarization of the border provided a significant barrier to effective relief and protection work by UNHCR, which began a program in the Honduran Mosquitia in 1982. In order to offer better protection and relief, in 1983 UNHCR relocated refugees away from the troubled border to dispersed settlements further inland. Over the next two years conditions for these refugees improved and the number of settlements increased. In contrast to Salvadorans in western Honduras, Nicaraguan Miskito and Sumo Indians enjoyed freedom of movement, access to markets, and adequate material assistance. However, problems of protection con-

[45] Author's interviews at the Nicaraguan Ladino refugee camp at Teupasenti, January 1986.

[46] Author's interviews with UNHCR and voluntary agency staff members, Geneva, 1987.

[47] For background see Organization of American States, Inter-American Commission on Human Rights, *Report of the Situation of Human Rights of a Segment of the Nicaraguan Population of Moskito Origin* (Washington, D.C.: General Secretariat, OAS, 1984); Amnesty International, *Nicaragua: The Human Rights Record* (London: Amnesty International, 1986); and Roxanne Dunbar Ortiz, *La Cuestion Miskitia en la Revolucion* (Mexico City: Editorial Linea, 1986).

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tinued as refugees were harassed and forcibly recruited by militant Miskito Indians (Misura), who controlled the infrastructure of the camps and directly benefitted from refugee aid.[48] The Honduran army, which is responsible for security in the Mosquitia, seldom intervened on behalf of the refugees and was perceived to be in close collaboration with the contra forces. Until early 1985, UNHCR did not have protection officers based in the region, and World Relief—the principal voluntary agency contracted by UNHCR to carry out relief operations—placed inexperienced North American personnel in key positions in the refugee settlements.

In 1985 new problems occurred. The World Relief/UNHCR effort to make the refugees self-sufficient was hampered by the Honduran Forestry Commission's severe restrictions on the cutting of wood for land clearance and domestic use. As a consequence, rice production fell drastically in 1985. The Miskitos also complained that the soil around the inland settlements didn't produce a good bean crop, a staple of the Indian diet. In late 1984 and 1985, these conditions encouraged a mass movement of refugees back to the border where land was more fertile and government wood-cutting restrictions did not apply.[49] At about the same time, during the period of a congressional ban on aid to the contras, the U.S. Congress voted to provide $7.5 million in "humanitarian" aid to Misura. These projects were administered by the U.S. Agency for International Development (USAID) and by a partisan evangelical organization, Friends of America, on the Honduran-Nicaragua border. These refugee camps became a base for Miskito-contra operations and pulled refugees away from UNHCR settlements in the Honduran Mosquitia. During the past several years, the Nicaraguan government has issued several amnesty decrees for rebel Indian groups in an attempt to attract home all Miskito and other Atlantic coast refugees.[50] In 1985, wide-ranging negotiations were initiated with some of the armed Indian opposition on the subject of regional autonomy. Limited peace accords between the government and indigenous groups made possible the return of 12,000 internally-displaced Miskitos and Sumos to the Rio Coco. During the same year, some 2,000 Miskitos who had taken refuge on the Honduran bank of the river returned to Nicaragua on their own, and another 500 to 600 Miskitos were also repatriated from the inland settlements in Honduras. According to UNHCR, the numbers of returnees would have been much larger had the refugees been allowed to travel directly from the refugee settlements to their former homes, a distance of about 200 kilometers.[51] Instead, UNHCR was required to move refugees in small groups a distance of about 1,500 kilometers out of the Honduran Mosquitia to Tegucigalpa, by bus to Managua, and then

[48] U.S. Committee for Refugees, *World Refugee Survey: 1985 in Review* (Washington, D.C., 1985), 59.

[49] Author's interviews with David Befus, World Relief, Tegucigalpa, Honduras, January 1986.

[50] Author's interviews with Nicaraguan government representatives and leaders of the Moravian Church, Managua, Nicaragua, January 1986.

[51] Author's interviews with UNHCR officials, Tegucigalpa, Honduras and Managua, Nicaragua, January 1986.

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by small plane to the Nicaraguan Atlantic coast. This costly and complicated procedure was eased considerably when UNHCR finally won the approval of the Honduran authorities to transport the refugees by air from the Atlantic coast of Honduras directly to the Atlantic coast of Nicaragua in May 1987. In the first nine months of 1987, UNHCR assisted over 3,000 Miskitos to return home via this air corridor, and another 7,000 returned by land unassisted.[52] In mid-1987 Honduras and Nicaragua also initiated discussions to open a land bridge between the two countries with a crossing at Leimus on the Rio Coco. Grave security and economic problems complicate hopes for an early mass repatriation, however, in this war torn region of northeastern Nicaragua. Much of the Indians' former land is militarily contested, and military action or natural decay since the early 1980s have destroyed entire villages. The provision of social services to the Atlantic coast by the government is made difficult by poor transport and the lack of other infrastructure in the region. In the past, government health and education workers sent to help resettle refugees have been murdered or kidnapped. Periodic conflict continues between the Sandinista forces and militant Indian groups who are just across the Rio Coco in Honduras. The Nicaraguan government and the international community are, nevertheless, making considerable efforts to ensure a successful repatriation of Miskitos and other Indians to Nicaragua. Since late 1986, UNHCR, International Committee for the Red Cross (ICRC), and World Food Program have provided assistance for returnees and the European Economic Community (EEC) has pledged $1.5 million for a reintegration program for the Nicaraguan Indians.

Thus, the highly complex situation for Nicaraguan Indian refugees remains in a state of rapid transition. In mid-1985, the militant Indian group Misura was officially dissolved and replaced by a new organization called Kisan, which was firmly in the contra organization in Honduras. Operations by Kisan in northeastern Nicaragua in early 1986 caused considerable instability and resulted in the flight of thousands more Indians across the Rio Coco into Honduras.[53] Despite these events, a considerable number of Miskitos applied for the Sandinista amnesty during 1987.[54] Alarmed at the rapid decline in the Indian resistance movement, the U.S. State Department organized a meeting of Kisan and other exile groups in June 1987 to form yet another new organization, Yatama or FACA (armed forces of the Atlantic Coast). One of its objectives is to prevent the return of the Miskito Indians from Honduras to Nicaragua. Under these conditions, the UNHCR continues to play an important protection role in the region in spite of periodic efforts of the Honduran authorities to persuade UNHCR protection officers to evacuate from the area. In recent years, World Relief has largely replaced its North American staff with Honduran personnel. UNHCR and World Relief staff work under

[52] Author's interviews with UNHCR staff, Geneva, September 1987.

[53] Americas Watch, *With the Moskitos in Honduras* (New York: Americas Watch Committee, 11 April 1986).

[54] Stephen Kinzer, "Indians Return in Nicaragua," *New York Times*, 18 April 1987.

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dangerous conditions, however, and are continually threatened and harassed by armed groups.

A successful mass repatriation of Miskitos to Nicaragua, therefore, will depend on the ability of contra groups and the Sandinistas to reach a cease-fire in the region. At present, the movement towards repatriation competes with the contra effort to use the refugees as a recruiting base for guerrilla warfare and as ideological support for contra allegations of Sandinista repression.

Costa Rica

Although the refugee situation is not as acute as that which exists in Honduras or Mexico, political and foreign policy considerations have also played a part in shaping Costa Rica's response to refugees. Costa Rica is the recipient of refugees from the three principal refugee-producing countries in the region: El Salvador, Guatemala, and Nicaragua. There are approximately 23,000 Nicaraguan and 5,000 to 6,000 Salvadoran refugees officially registered in the country since 1980; and the Nicaraguans have been arriving since 1983 with 6,000 coming in 1985 alone. Seventy percent of the refugees in Costa Rica live in urban areas, principally in San Jose, and 30 percent in refugee camps in rural areas. The reception and transit camps are administered by the Costa Rican Red Cross and the Center of Socio-Political Analysis (CASP), a national nongovernmental organization that also provides assistance to refugees in urban areas. The country's increasing international indebtedness and local economic problems limit assistance and employment opportunities for refugees. In the rural camps there is no land to farm, and although refugees can obtain work permits, only a small percentage of them actually find jobs on a permanent basis. Urban-based refugees receive limited training and education. However, given the educational level of many of the refugees and the restrictive legal provisions regarding employment, they find it difficult to obtain work and are unable to compete with Costa Rican nationals. The so-called active center at Achiote, which is administered by the International Rescue Committee, provides small plots of land to farm but accommodates only relatively small numbers of refugees.[55]

In addition to the registered refugees, Costa Rica has at least tens of thousands of undocumented immigrants.[56] There is a long history of migration from Nicaragua to Costa Rica. Former President Luis Alberto Monge has termed this problem a "migratory time bomb."[57] Public perception that jobs are being lost to these new-

[55] For a detailed analysis of Costa Rican refugee policy see Kai Ambos, *The Central American-Refugee Crisis*, Refugee Studies Programme, Oxford University, October 1987.

[56] Estimates of the number of illegal immigrants inside Costa Rica vary widely. A traditional migration exists from Nicaragua to Costa Rica. The former minister of the interior claimed that there were 200,000 to 250,000 illegal immigrants, but that figure is not considered reliable by many people.

[57] Michael S. Barton, "Influx of Refugees from Nicaragua to Costa Rica," *Refugees* 20 (August 1985): 20.

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comers, while large amounts of assistance are also being provided them, has given rise to an intense and emotional debate over refugees within Costa Rica. Growing popular resentment against refugees is evident almost daily in the Costa Rican press, and Costa Rican officials responsible for refugee and migration affairs in the past have made xenophobic and racist comments about refugees.

Costa Rica is renowned for its democratic traditions. Although situated in a region where armed conflict has recently been the rule, Costa Rica has not had a standing army since 1948. With the intensification of military turmoil in Central America during the late 1970s, however, Costa Rica was inevitably drawn into the conflict in the region. U.S. military aid to Costa Rica rapidly increased during the early 1980s and many U.S. economic projects in Costa Rica appeared to serve military ends.[58] Near its northern border, Costa Rica in the past played host to two contra forces: Arde, led by the former Sandinista leader Eden Pastora; and the CIA-backed Uno group. Cross-border clashes between these groups and Sandinista forces were common. As the contra-Irangate hearings have now made clear, the United States assisted the contras in Costa Rica through the American embassy in San Jose and supplied the contras inside Nicaragua from a secret airstrip built by Americans in northern Costa Rica. According to testimony made public through these hearings, the United States had a virtual free hand in Costa Rica to pursue its military objectives for the region prior to the Oscar Arias administration.[59]

The militarization of Costa Rican policy directly affected the protection of refugees. The UNHCR provides the funds for the refugee program, but has no permanent presence in these camps. Until late 1985, a national organization, Socorro Internacional, ran the camps for Nicaraguans in an inefficient, corrupt, and politicized manner.[60] Some of them were found to have paid themselves excessively high salaries and to have had direct links to the contras and to have run paternalistic programs. The camp for Atlantic coast Nicaraguan refugees at Limon, which I visited in January 1986, had the worst physical conditions of any camp I saw in Central America. Although the refugees were apparently well-fed and had adequate health care, the housing was inferior and the camp inhabitants appeared despondent and apathetic for lack of anything to do. There was no land to farm and no workshops, and the refugees were entirely dependent on the outside assistance provided them. The camp infrastructure was under the control of an ex-commandante Miskito contra. Conditions in other camps for Nicaraguans were somewhat better. A large number of the inhabitants were single young Ladino men, many of them teenagers, who had fled forced conscription or bad economic

[58] Author's interviews with international and voluntary agency officials in San Jose, Costa Rica in January and February 1986.

[59] See, for example, Joel Brinkley, "An Ex-Ambassador Says U.S. Ordered Aid for 'Contras,'" *New York Times*, 3 May 1987.

[60] Author's interviews with camp officials at Limón, Costa Rica, January 1986.

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conditions. The camps provided little activity for the refugees and were badly overcrowded.

Beginning in late 1985, Costa Rican authorities and UNHCR began to reconstruct the refugee programs for Nicaraguans and to make the camps more participatory and less paternalistic. In September 1985, Costa Rica created the National Council for Refugees, which consolidated refugee policy making in the office of the presidency. With the election of Oscar Arias Sánchez, Costa Rica reached a tentative agreement with Nicaragua to neutralize the border and to try to establish a civilian monitoring team to prevent contra raids into Nicaragua.[61] The revelation in late 1986 of the transfer of millions of dollars of clandestine aid to the contras from sales of arms to Iran by the Reagan administration and the politically damaging contra-Irangate hearings further strengthened the ability of Arias to resist U.S. pressures to aid contra efforts in Costa Rica. As a result, Arias demonstrated his determination to stem the militarization of his country and to criticize the U.S. determination to pursue a military solution against Nicaragua. In particular, Arias emphasized the advantages of political rather than military pressure on Nicaragua and publicly called for ending U.S. aid to the contras. The Costa Rican president's peace initiatives culminated in Guatemala City where five Central American governments signed a regional peace accord on 7 August 1987. The central features of the accord require the Central American governments to stop aiding the U.S.-backed contras in exchange for the Sandinista government negotiating a cease fire, issuing an amnesty, ending press censorship, and guaranteeing full political freedom. The agreement also addresses the conflict in El Salvador and Guatemala, but the provisions relating to ceasefires and aid to irregular forces cannot be implemented without the consensus of other interested parties, particularly the United States.

The Struggle for Humanitarian Space

The activities of UNHCR and the voluntary agencies that work on behalf of refugees are directly affected by the geopolitical and ideological context in which the United States and local governments perceive the refugee issue. The UNHCR has been criticized by voluntary agency officials, as well as by representatives of governments that finance the UNHCR program in the region, for its inability to protect refugees from harassment and for its failure to provide an adequate level of assistance to all groups of refugees. As the principal donor to UNHCR programs in the region, the United States has used its financial leverage to improve conditions for Nicaraguan refugees in Honduras and Costa Rica and has exerted pressure to influence UNHCR decisions about such issues as the relocation or repatriation of Salvadoran refugees in Honduras.

[61] "U.S. is Reported to Press Costa Rica to Cooperate Over Use of 'Contras,'" *International Herald Tribune*, 14 April 1986.

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United States influence aside, the institutional capacity to ameliorate the refugee situation in Central America is also limited by the willingness of national governments to cooperate with it. UNHCR can call attention to the legal obligations undertaken by governments that have adhered to the UN Refugee Convention and Protocol, but it is without the ability to change the course of a determined government that intends to violate treaty commitments to protect and aid refugees or to ignore the policies of the United Nations with regard to refugees.

Honduras and Mexico are not signatories to the UN Refugee Convention and Protocol, and although the non-refoulement principle (no forcible return to country of origin) is confirmed in their domestic laws, neither country has formal procedures to determine refugee status. In both countries, UNHCR operates large scale refugee programs, but there are disagreements over how UNHCR exercises its protection mandate. There have also been tensions over the management of refugee assistance programs in Mexico, Honduras, and Costa Rica.

Caught between its general function to offer protection to refugees and the necessity to work closely with the country of first asylum, UNHCR is reluctant to irritate local authorities or the United States by pressing too hard on protection problems in Central America. The limited effectiveness of UNHCR to guarantee protection is also partly due to UNHCR's special relationship with the United States. Dependent on the United States for a large percentage of its annual budget, UNHCR simply lacks the financial independence and institutional strength to challenge its largest benefactor.

Voluntary agencies, ranging from international nongovernmental organizations (NGOs) to churches, have also discovered that their ability to operate independently of the United States is limited and at the mercy of events that remain largely under the control of military and strategic planners. In Central America these institutions, simply by virtue of working in certain refugee camps, are often regarded by the security forces of local governments and by the United States as subversives or sympathizers with the opposition forces. In this kind of ideologically-charged environment many voluntary agencies find it extremely difficult to carry out humanitarian programs of assistance. Thus churches and voluntary agencies have met with many difficulties, which have ranged from economic pressures to hostility, threats, kidnappings, deportation, and even the deaths of many workers. In Salvadoran, Nicaraguan, and Guatemalan refugee camps in Honduras, Costa Rica, and Mexico, voluntary agency representatives have had to assume protection functions at considerable personal risk to themselves. The presence of international agency staff should serve to reinforce the security of the refugees and of the local national workers in the camps. In many instances, respect for the basic human rights and personal security of refugees depends on the whim of junior military officers or migration officials locally in command of the camps. Not only do voluntary agencies and churches provide local protection, but these institutions are also particularly influential in shaping international public opinion. Concerned churches and human rights organizations provide information on refugee conditions to the public and monitor human rights abuses and violations of international agree-

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ments. The extent to which non-refoulement is even minimally respected in Central America is probably due to the vigilance of these private and international groups, who have raised loud objection to past border incidents in Mexico and Honduras, when refugee camps were attacked by military forces and refugees were forcibly repatriated.

However, although voluntary agencies view themselves as the "world's conscience for refugees," they are themselves rarely totally neutral in a political sense. Some agencies take pride in being able to work on both sides of a political fence, but most voluntary agencies are selective about the place they choose to work and the refugee groups they choose to assist. In their effort to counteract United States regional policies, some voluntary agencies have emphasized their commitment to Salvadoran and Guatemalan refugees but have shied away from assuming a similarly strong protection role for Nicaraguan refugees. Local governments reinforce this selectivity by making it difficult for voluntary agencies to have a presence in refugee camps of all political and ideological persuasions. Such selectivity increases the risk of voluntary agencies being used for narrow political interests, and makes some of them appear to be as discriminatory as the United States government policies they oppose.

While refugees are pawns in relations between states, they are not always the helpless victims intergovernmental and voluntary agencies often picture them to be. Such stereotyping is usually not only inaccurate but encourages paternalism. Some of the refugee groups in Central America have patiently built up under incredibly difficult circumstances the major elements of the infrastructure required for their communities. These groups request that these attempts to rebuild their lives be respected and their human rights not be violated. Other refugee groups are factionalized and have been intimately involved in politics. As we have seen, there are instances where some refugees have used their countries of asylum as a base for guerrilla warfare and are alleged to even be supplied with arms while still receiving refugee assistance.

Many of the refugees in Central America live in impoverished circumstances, often herded together in camps in which they are virtual prisoners because of the extreme danger they would face if they attempted to leave. Other groups of refugees are subject to forced recruitment and are dealt with as expendable pawns in an effort to overthrow the Sandinista regime in Nicaragua. None of these refugees have any prospect of rebuilding normal lives until the conflict is over.

From Humanitarianism to Reconstruction

This article has examined the political dynamics of the refugee crisis in Central America and has analyzed the factors that influence government and international agency policies towards refugees beyond legal or humanitarian concerns. Protection for refugees in Central America is quite precarious and is dependent on a variety of geopolitical and ideological factors, the interests of a variety of state and non-state actors, internal security concerns, and foreign policy interests. There

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exists today an urgent need to maintain a separation between military and humanitarian activities in Central America and to elevate the needs of refugees above the limitations of immediate political concerns. At the same time, solutions to refugee problems in the region depend on political actions taken by regional and extraregional states and actors.

The successful implementation of the Central American Peace Plan of 7 August 1987 could have a significant impact on the refugee problems in the region. The heads of governments agreed to care for refugees and displaced persons through the provision of protection and assistance. They also agreed to facilitate their repatriation, resettlement, or relocation provided it is voluntary and decided on an individual basis. In addition, the governments agreed to negotiate with the international community with a view to obtaining assistance for refugees and displaced persons, either directly or through UNHCR or other organizations and agencies. The agreement also acknowledged the potential problems regarding repatriation or relocation posed by the contras and other members of armed guerrilla groups and envisaged a political solution to these problems. The governments explicitly mentioned the need for outside assistance for reintegration of these persons to normal life. In the meantime, a special commission set up after the Cartagena Declaration to work on possible solutions to Central American refugees is planning a regional conference in 1988 to highlight and promote a resolution to these problems.

While the return of peace to the region will help resolve the problems of international protection of refugees in Central America, the problems caused by war and massive displaced populations in the region are long-term and will not suddenly disappear. The entrenched war between the right and left in El Salvador, the Guatemalan army's counterinsurgency campaigns, and the external aggression against Nicaragua have profoundly affected the societies and economics of the rural and urban sectors of these countries. Generalized violence and repression combined with economic inequality have contributed to a serious deterioration in basic living and security conditions. It will be insufficient for the international community to attend solely to the arrival and reintegration of repatriated refugees and internally displaced persons. Rather, to the extent possible, the international community will have to provide infrastructure and basic services to areas that have been depopulated and devastated by the war.*

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Three Images of Soviet Arms Control Compliance

GARY L. GUERTNER

Arms control negotiations and occasional treaty successes (eleven bilateral agreements since 1963) have become the keystone in Soviet-American relations. The danger of nuclear war, spiraling arms competition, and domestic politics have worked to maintain the negotiations' centrality, even in an administration that has often sought to downgrade the importance of arms control in favor of strategic modernization programs and a tough stance against Soviet policies. The major thrust of the anti-arms control faction in the Reagan administration and Congress has rested on Soviet noncompliance with existing arms control agreements. The Soviets, it is argued, cannot be trusted, have cheated in the past, and will do so in the future. Arms control is a one-way street that leads only to Soviet advantages while lulling Americans into a false sense of complacency.

This article examines the extensive debate over arms control compliance issues during the Reagan administration. Is arms control a viable process and can it remain a major component of Soviet-American relations? How accurate are the administration's charges of Soviet noncompliance? To answer these questions this study will focus on the three agreements that have played the most important regulatory function in the Soviet-American strategic relationship – SALT (Strategic Arms Limitation Treaty) I, SALT II, and the ABM (Antiballistic Missile) Treaty. Soviet noncompliance will be measured against three competing images: deliberate cheating; bureaucratic structure and process; and conflicting interpretations of treaty obligations. Which of these images one accepts quite clearly affects the desirability of entering into agreements with the Soviets in the future.

GARY L. GUERTNER is professor of international politics at California State University, Fullerton, has served on the staff of the U.S. Arms Control and Disarmament Agency, and is currently at the U.S. Army War College.

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The data is drawn primarily from the congressionally mandated White House reports on Soviet noncompliance and the political debate surrounding those reports. Public Law 99-145 (fiscal year 1984 Arms Control and Disarmament Act) requires the president to submit classified and unclassified reports by 1 December of each year. While a complete evaluation of Soviet noncompliance is impossible when limited to unclassified data, even those with access to both reports have not always been able to reach a consensus on the scope of Soviet violations. Conflicting interpretations divide members of Congress and members of the arms control bureaucracies within the executive branch despite their access to classified data and analysis.

This should not be surprising. Noncompliance is a conclusion drawn from the analyses of complex monitoring activities by the intelligence community and comparisons of Soviet behavior with treaty obligations. Intelligence data may be ambiguous *relative* to the legal complexities of treaty language. Intelligence ambiguity and legal complexity are hardly the characteristics of a process that cuts cleanly through rigidly held political/ideological views of the Soviet Union or arms control. Perceptions that the United States is letting its guard down through arms control negotiations is certain to push the noncompliance debate to the front of the arms control agenda.

This assessment is designed to cut through the noncompliance debate, isolating what may be known from the often misleading political debate and selective intelligence leaks from bureaucratic insurgents bent on scoring political points at strategic times—for example, negotiating compromises or ratification debates. The purpose is neither to indict nor apologize for Soviet practices. The real questions are: Is strategic arms control a viable process through which U.S. security interests can be served? Can existing or more intrusive means of verification result in a more quiescent opposition to future Soviet-American arms control agreements?

The compliance debate has become a central part of Soviet-American relations for two reasons. First, the administration has linked future treaties to Soviet acceptance of more intrusive (a code word for on-site inspection) means of verification. The more ambitious the proposal—50 percent reductions in strategic forces, or "zero" ballistic missiles—the more elaborate the verification regime.

Second, the Reagan Administration has built a case for Soviet noncompliance and has adapted it to the principle of "proportionate response." Proportionate response is based on a principle of international law that recognizes the right of one party to take action against the other in response to a material breach of an agreement. The administration has argued that since the Soviet Union has breached several existing arms control agreements including its political commitment to honor the unratified SALT II Treaty, the United States has the right to abandon its own pledge not to undercut SALT II and to take compensatory steps to protect its own security. In practice this has led to the abandonment of SALT II weapons ceilings and a new, more permissive interpretation of the ABM Treaty, combined with an open debate on the virtues of abrogating that treaty in favor of extensive testing and deployment of space-based ballistic missile defenses. These radical departures

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leave the administration with a political and legal responsibility to establish beyond a reasonable doubt that new departures are based on solid evidence of Soviet noncompliance. The administration is captured in *Image One: The Soviets engage in a well-orchestrated strategy of noncompliance to gain unilateral military advantage over the United States.*

Testing this thesis requires careful examination of specific U.S. allegations, a comparison of noncompliant with compliant behavior, and an assessment of comparative military gains and losses that may result from decisions to comply or push beyond legitimate treaty boundaries. Military gain can be assessed against three specific criteria: Does it contribute to a deployed military capability or alter the strategic balance? Does it improve a break-out capability by shortening deployment schedules? Does it undermine the predictability of Soviet strategic modernization programs?

Image Two: Soviet bureaucratic politics and standard operational procedures (SOPs) create an environment of resistance, subjective interpretation, and imperfect oversight of arms control obligations.

Image Three: Charges of Soviet noncompliance stem from genuine differences of interpretation of treaty language and obligations.

The strength and validity of image one, on which the Reagan administration has based its case for Soviet noncompliance, can be tested against two and three. Both tend to see a more compliant pattern of Soviet behavior. For this reason, as well as their close functional relationships, images two and three are examined together.

Image two incorporates bureaucratic politics and the standard operational procedures or organizational routines followed by the Communist party, the Soviet military, and the strategic forces research and development infrastructure during the development, testing, and deployment phases of strategic weapons. Within many of these organizations and their subbureaucracies, the saliency of arms control concerns is almost certainly lower than are the broad priorities of Soviet defense policy.

The tone from the top can also set the overall standards for officials responsible for ensuring the compliance of their subordinate organizations. Leonid Brezhnev established a loose constructionist standard in his statement to Richard Nixon during the 1972 Moscow Summit when he indicated that everything not expressly prohibited by SALT I was permitted.[1] Unlike their American counterparts, Soviet bureaucracies lack the highly developed legal sieve through which their decisions on what may be permitted must pass. The process of legal counsel available to the U.S. State Department, Arms Control and Disarmament Agency, Department of Defense agencies, and congressional oversight committees is far more centralized in the Soviet Union; and it may often be more restricted by Soviet walls of secrecy and compartmentalized systems of information. It is well established that

[1] Described in Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington, D.C.: Brookings Institution, 1985), 300.

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Soviet lawyers, most of whom are attached to the Treaty and Legal Administration of the Foreign Ministry, serve the post facto role of legitimizing party decisions, and less the watch-dog function of their American counterparts. Such a system is prone to exploit the gray areas, and its actions may result in de facto violations, but not in the sense that they are coherent policies or preplanned Politburo decisions to gain military advantage. Actions may be the result of subjective and uncoordinated bureaucratic players.

It is also worth noting that Soviet bureaucratic routines may have gone through periods ranging from intense, competitive oversight to neglect during the last years of Brezhnev's life and the long period of maneuvering for political succession that lasted until Mikhail Gorbachev consolidated his power in 1985. Raising arms control compliance issues in the face of a highly competitive party structure during the early, most combative period of the Reagan administration could not have seemed wise or proper to most self-interested Soviet bureaucrats.

Image three is far less complex and assumes that considerable room for disagreement can develop from nearly any contractual agreement. To use a domestic analogy, tens of thousands of American lawyers earn comfortable livings from contractual disputes between parties who discover that clear-cut agreements grow ambiguous in practice. Soviet writings available in the West have not attempted to share arms control compliance guidelines that may be available to responsible bureaucrats. Soviet general attitudes towards monitoring have been discussed, however, and their basic principles vary considerably from those found in American discussions. For American negotiators, monitoring Soviet activities and verifying compliance is the vital substitute for mutual trust.

The Soviets themselves are concerned with verification, but they approach the problems with the traditional Russian passion for maintaining secrecy from the prying eyes of a hostile world. The "basic principles" spelled out by the Soviets argue that the means of verification must be "limited," "in no way prejudice the sovereign rights of states," should not be built upon the principle of "total mistrust," and should take into account the deterrence effect of the risk of detection by modern, sophisticated intelligence capabilities.[2] To Soviet elites, the mutually agreed upon national technical means of monitoring Soviet territory and exchanges of previously classified data during SALT I and II were intrusive, if not revolutionary. One Soviet official is said to have remarked of these provisions, "There goes 400 years of Russian history."[3] It would be no surprise, then, to discover that decision makers were more faithful to tradition than to the demands for sharing military information.

[2] V. Issraelyan, *Final Record of the 119th Meeting*, Committee on Disarmament, Document CD/PV. 119, Geneva, 31 March 1981, 16-17. For detailed analysis of Soviet verification perspectives see Stuart A. Cohen, "The Evolution of Soviet Views on SALT Verification: Implications for the Future" in William Potter, ed., *Verification and SALT* (Boulder, Colo.: Westview Press, 1980), 49-76; and Allen Krass, "The Soviet View of Verification" in William Potter, ed., *Verification and Arms Control* (Lexington, Mass.: Lexington Books, 1985), 37-62.

[3] Quoted in Thomas Wolfe, *The SALT Experience* (Cambridge, Mass.: Ballinger, 1979), 261.

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Determining when the political decisions were made that set disputed programs in motion is critical to this analysis. Certainly the decision for two major issues—the SS-25 missile and the Krasnoyarsk Radar—would have preceded the signing of SALT II.[4] Both parties attempted with great success to protect strategic modernization programs from arms control restrictions. How Soviet bureaucracies responded after 1979 is not clear. This period was the last chance to align modernization programs with treaty obligations.[5] This process, whether formal or informal, took place in the midst of both a growing succession struggle in the Communist Party of the Soviet Union (CPSU) and deteriorating Soviet-American relations. During this period, the CPSU's Politburo struggled to sustain the pretense that a faltering trio—Brezhnev, Yuri Andropov, and Konstantin Chernenko—were functioning national leaders. This struggle is difficult to reconcile with preplanned cheating and deception directed from the top.

It was clear even before the Reagan victory in 1980 that SALT II was not going to be ratified. The period between 1980 and the spring of 1982—when both sides pledged not to undercut the provision of the SALT II Treaty—may have been a decisive phase inside the Soviet government for arms control compliance issues. Strict constructionist positions that went beyond "reasonable" Soviet interpretations of treaty obligations would have found a poor reception in the midst of competitive oversight produced by the struggle for successive party leadership.

The transformation of treaty language into actions by rival Soviet decision makers through self-interested bureaucracies during a period of growing U.S. hostility certainly played a role in Soviet compliance behavior. The precise mechanics of Soviet decision making are unknown in the West, but some general propositions can be explored on the basis of what is known about broader issues in the nuclear weapons decision-making process.

While there is widespread agreement that the Politburo is the center of political decision making in the USSR, the complex machinations that take place beneath that body are clouded in secrecy. For example, the agenda for the Politburo is prepared by the Party Secretariat, an administrative body that normally includes at least three Politburo members. Does this overlapping membership mean that many issues have been effectively resolved and decisions drafted in advance of Politburo meetings? Does the Secretariat represent just one of many potential sources of influence? Are the overlapping members divided among themselves over basic issues? There are no Soviet sources that provide clear answers to these questions.

[4] Evidence of the SS-25 became available by 1983; the Krasnoryarsk Radar in 1983; and encryption practices were common prior to SALT II, stopped, but resumed again with tests of the SS-25 and the SS-NX-20—a sea-based missile. The Soviet radar was well underway when first discovered. Construction probably began in the 1980–1981 time frame.

[5] Soviet defense officials constructed the first eight radar complexes at sites near their borders as required by the ABM Treaty. The Krasnoyarsk site was selected to save money. Former Defense Minister Dimitri Ustinov, according to these sources, did not tell the Politburo that the radar potentially violated the treaty. See *Washington Post*, 14 December 1987.

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Depending on the period under examination and the strength of the party general secretary, the answers could be yes or no.

A second organization, the Defense Council, also has a membership drawn from the Politburo. It is the highest party-state body specializing in defense issues. From fragmentary evidence in Soviet sources this joint political-military committee chaired by the party secretary reviews and coordinates defense-related activities including "military development" and arms control.[6] The party leadership establishes guidelines for the military, but like our own National Security Council, neither the Defense Council nor the Politburo seem well suited to micromanage the technical details of defense or arms control.[7] Nor are they likely to stand safely above the forces of bureaucratic competition that may force even an authoritarian and highly centralized ship-of-state to veer off course. For example, the Military-Industrial Commission, a state organization controlled by the Presidium of the USSR Council of Ministers, appears to have major responsibilities in weapons research and development and in controlling the system of scientific and technical information serving the defense sector. As a clearing house for technical information, the commission could play an important role in the internal arms control compliance debate. It is also worth noting that like the Party Secretariat and the Defense Council, the Council of Ministers includes Politburo members. The overlapping, but not necessarily identical membership was intended to strengthen Politburo oversight and control. In practice, it also gives rival party members access to powerful bureaucratic resources that can be mobilized in times of domestic or foreign policy crises.

The state Ministry of Defense has the primary responsibilities for the design requirements of weapons and military equipment produced by the various production ministries. The Soviet general staff is subordinated directly to the minister of defense for the coordination of all the various service programs and activities. All evidence indicates that the general staff of the armed forces is an extremely important player in the arms control decision-making process. Its members are the major source of information for the Defense Council and represent a mediating body between top political leadership and the military. The general staff has played an active, if not central role in arms control negotiations through their participation with the Defense Council, Politburo, and direct representation on the SALT and START (Strategic Arms Reduction Talks) delegations.[8] The Ministry of Foreign Affairs has administrative responsibilities for the actual conduct of

[6] Scilla McLean, ed., *How Nuclear Weapons Decisions Are Made* (New York: St. Martin's, 1986), chap. 1.

[7] According to Roy Medvedev, the Defense Council was created in 1958 to unify the leadership of all "war departments." Roy Medvedev, *Khrushchev* (Garden City, N.Y.: Doubleday, 1983), 128.

[8] The important role of the Military at SALT I is illustrated by American accounts of the rigorous reaction shown by Soviet military members of the delegations when U.S. negotiators gave their civilian counterparts data on Soviet strategic forces. That information was not to be shared with unauthorized civilians.

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arms control negotiations, thus creating yet another layer of bureaucracy with possible compliance oversight responsibilities. Treaty compliance debates may pass through all or only selected participants in these and other complex Soviet organizations.

We do not known the precise mechanics of Soviet arms control compliance. What is clear, however, is that rival factions in the party have access to complex bureaucratic machinery managed by self-interested organizations. Competitive oversight of defense issues generally and arms control in particular cannot be documented. Absence of competition, however, would be an abberation of bureaucratic behavior within any political system – especially one undergoing an internal struggle for leadership that lasted from Brezhnev's rapid deterioration in 1975 through the brief Andropov and Chernenko periods, to late 1985 when Gorbachev appeared to gain control of the party leadership.[9] During this period, frail party secretaries could not always count on the Central Committee to oversee their programs. Central Committee departments were as much a part of the succession struggles as the Politburo itself. The Ministry of Defense, the only major government ministry without a corresponding Central Committee department to oversee operations and administration, gained greater autonomy in the form of barriers to outside attempts by a fragmented party leadership to micromanage their activities.[10]

The Defense Council may also have been less effective in its oversight of the Ministry of Defense and the armed forces. A fully engaged, unified party management style would (and presumably does) have difficulty managing the technical details and standard operational procedures called for in Soviet arms control obligations. As Stephen Meyer has observed, there is a difference between "decision authority" and "decision influence." No one questions the party's authority to select options and have the final word in the decision-making process. The military and arms production infrastructure are subordinate to the party, but their decision authority in the form of their mastery of technical details and procedures is, nevertheless, powerful through their control of highly compartmented collection, processing, and structuring of data, policy alternatives, and operating procedures.

Steadily growing power in the hands of the military-technical community has been a visible trend because of the increasing technological content of defense

[9] Speculation about succession began in 1975 following Brezhnev's stroke and disappearance from public life for several months. Clear signs of ill health were present in 1977, a period when he had packed the Politburo with close friends, increasing its size from eleven to fourteen. As Brezhnev's health deteriorated further in 1978, speculation in the foreign press about his successor began in earnest, continuing as something of a cottage industry in the West until his death in November 1982. See Zhores A. Medvedev, *Andropov* (New York: Norton, 1983), 3–6.

[10] Described by Stephen M. Meyer, "Civilian and Military Influence in Managing the Arms Race in the USSR" in Robert J. Art, Vincent Davis, and Samuel P. Huntington, *Reorganizing America's Defense* (Washington, D.C.: Permagon-Brassey, 1985), 55.

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and arms control policies, the military monopoly of analytic capabilities, and a lack of relevant politico-military experience or close personal military contacts among the emerging generation of Soviet political leaders. As Meyer concludes, technology and the military-industrial complex that it has produced seem to have accomplished what nearly seventy years of Soviet party-military relations have attempted to prevent—"the movement of the professional military into the heart of the defense decisionmaking structure."[11] At the very least, the growing breadth and depth of the military-industrial structure of the Soviet Union provides greater opportunity for disagreements, bureaucratic conflicts, and organizational routines that subvert compliance with complex arms control obligations. A paradox of bureaucracy is that policy can often be managed from below. By their actions or inactions, subordinates are capable of blocking policies, ignoring or disseminating reports, concealing activities, or magnifying the importance of data. One of the lessons to be learned from bureaucratic politics on both sides is that negotiators should not resolve arms control deadlocks by falling back on ambiguous language that may later be exploited by political or bureaucratic factions.

The Charges

In January 1984, the administration sent to Congress the first in a series of mandated reports that concluded that there had been an "expanding pattern of Soviet violations" of arms control agreements. The administration has submitted three follow-on noncompliance reports (in February and December 1985 and in March 1987), and the Arms Control and Disarmament Agency has published two additional reports of its own (in October 1984 and February 1986).[12] The number of violations and the language used to characterize them have gone through considerable change (see Table 1). These changes suggest interagency conflict over the strength of new evidence and some new interpretations of old data. The President's reports to Congress conclude that there is "a pattern of Soviet noncompliance." The body of these reports contain ambiguities that may not support such a conclusion. For example, their language and categories make it nearly impossible to aggregate data in any "clear pattern." The reports discuss "issues," "violations," "probable violations," "likely violations," "potential violations," and two questionable "cases" where the Soviets were found to be "in compliance." These categories are further divided into classified and unclassified "issues."

The specific discussions of "issues" and "violations" are equally confusing. The December 1985 report, for example, lists six issues (discussed below) of concern

[11] Ibid., 53.

[12] The President's Reports to Congress cover compliance issues for all Soviet-American arms control treaties in force. Only SALT I, SALT II, and ABM Treaty issues are examined here. A fifth noncompliance report sent to Congress in December 1987 is not included in this study. Its findings are essentially the same as the March 1987 report.

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TABLE 1

President's Reports to Congress on Soviet Noncompliance with Salt I, Salt II, and the ABM Treaty

Issues	Treaty	Conclusions			
		Jan 1984 Report	*Feb 1985 Report*	*Dec 1985 Report*	*Mar 1987 Report*
1. Impeding verification by encryption of missile test telemetry	Salt II	Violation	Violation	Violation	Salt I and Salt II deleted—
2. SS-25 as a violation of the one new type ICBM provision	Salt II	Probable violation	Violation	Violation	U.S. no longer bound by
3. Ban against SS-16 testing, production, or deployment	Salt II	Probable violation	Probable violation	Probable removal of SS-16 equipment	these limits
4. Strategic nuclear delivery vehicles exceed the 2,504 cap	Salt II	—	—	Violation	
5. Impeding verification by concealing the association between an ICBM and its launcher	Salt II	—	—	Violation	
6. Use of dismantled SS-7 sites for support of SS-25	Salt I	—	No violation	Violation	
7. Reconfiguration of one Yankee SSBN for use as a cruise missile carrier	Salt I	—	No violation	—	
8. Krasnoyarsk radar	ABM	Almost certainly a violation	Violation	Violation	Violation
9. Development of mobile ABM system or components	ABM	—	Potential violation	Potential violation	Potential violation
10. Concurrent testing of ABM and SAM components	ABM	—	Probably has violated	Probably has violated	Probably has violated
11. Aggregate ABM activities provide base for territorial defense	ABM	—	May be preparing	May be preparing	May be preparing
12. Tested a SAM system or component as an ABM	ABM	—	—	Insufficient to assess	Insufficient to assess
13. Rapid reload of ABM launchers	ABM	—	—	Ambiguous situation	Ambiguous situation

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about the ABM Treaty. Issues 1–5 end with the finding that the "USSR may be preparing an ABM defense of its national territory." Issue six is titled "ABM Territorial Defense" and simply repeats the closing lines and several arguments of the previous five issues as a separate, sixth issue. Adding to the confusion is the fact that the case for possible Soviet noncompliance with the prohibited development of a territorial ABM defense is based on issues 1–5. Only issue one, the Krasnoyarsk Radar, is listed as "a violation." The remaining four issues are labeled respectively, "potential violation," "probably has violated," "insufficient to assess," and "ambiguous situation." The March 1987 noncompliance report centers on these ABM Treaty issues. SALT II was deleted from the report as part of the policy ending U.S. adherence to the SALT limitations.

The March 1987 report also introduced a new element in the efforts to assert that the Soviets were preparing a nationwide missile defense system. Three new Soviet radars were reportedly under construction on the western borders of the Soviet Union. The Defense Department contended that these new radars were redundant with existing radars and appeared to be part of a missile tracking capability for an ABM system. The State Department, Arms Control and Disarmament Agency, and the CIA did not fully support this interpretation, pointing out that the radars seemed to be replacements for radars deployed in the 1960s. One radar could be intended to provide warning of attack by U.S. Pershing-II missiles deployed in the Federal Republic of Germany. Whatever their purpose, these radars are among the first legally deployed systems that defense officials have attempted to associate with a major treaty violation. Skeptics believe that the issue may have more to do with administration efforts to break out of ABM constraints on Strategic Defense Initiative (SDI) testing than with actual Soviet behavior.[13]

These examples of the administration's noncompliance reporting to Congress and the interagency conflicts responsible for producing the often vague language with which they are written illustrate why the debate has often been confusing and frustrating to those who seek corrective actions. Confusing data and multiple categories of noncompliance have been amplified inaccurately by members of Congress and the news media. Cautious or inconclusive language was often collapsed into a single measure of Soviet duplicity. Analysts look in vain for any two sources that have cited the same number of Soviet violations. Part of the problem has been a failure to examine carefully what Soviet military incentives might be in a deliberate cheating scenario, and how those same objectives may be affected by uncontested Soviet compliance with the major provisions of SALT I, SALT II, and the ABM Treaty.

The Evidence

Table 2 summarizes the six issues on which the administration has concluded vio-

[13] Described by Michael Gordon, *New York Times*, 19 December 1986.

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TABLE 2

Competing Images of Soviet Noncompliance

Issues*	IMAGE–1 Military Significance of Deliberate Cheating: Strategic Balance/ Stability	IMAGE–1 Military Significance of Deliberate Cheating: Breakout Potential	IMAGE–1 Military Significance of Deliberate Cheating: Undermines Predictability	IMAGE–2 Bureaucratic Culture and SOPs	IMAGE–3 Conflicting Interpretations of Treaty Obligations
1. Encryption of test data	– No significance at Salt II levels	– Marginal depending on other monitoring capabilities	Yes	– Tradition of secrecy – Complex encryption capabilities standard on all test missiles – Compliance oversight difficult in complex compartmentalized bureaucracies	– Other means of data collection available – Treaty requires minimal uncoded signals – No collection from 3rd country territory
2. SS-25 as a second new type ICBM	– Potentially stabilizing with mobile basing and single warhead	– No impact with single warhead	No	– Loose constructionist approach to complex treaty language	– SS-25 falls within Salt compliant boundaries
3. SNDV ceiling exceeded	– No significant impact at Salt II levels	– No significant impact at Salt II levels	No	– No final agreements on bomber dismantlement/ conversion SOPs	– Soviet ceilings fall within agreed limits – U.S. failure to ratify Salt II changes Soviet obligations
4. Krasnoyarsk radar	– Significant only as part of a territorial defense	– Contributes to more rapid deployment of territorial defense	Yes	– Definition influenced by logistical and geographic problems of construction	– Implied guilt, Soviets willing to negotiate issue
5. Launcher/ICBM association	– No significance	– Marginal at existing launcher/warhead ceilings	Yes	– Vague issue–poor oversight of test SOPs	– Agree on treaty provision/may disagree test SOPs are a violation
6. Activities at old SS-7 sites	– No significance at Salt II levels	No	No	– Considerable savings to use old infrastructure for new mobile missiles	– Disagree there is a violation, define "facilities" differently than U.S. – Issue is not applicable to mobile ICBMs

* These 6 issues were the confirmed violations listed in the President's reports to Congress.

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lations have occurred. Competing images and the potential military significance of Soviet noncompliance will be limited to the following issues:

Encryption of the ICBM Test Data

Image One

Encryption is the coding of radio transmissions or telemetry from a test missile to its control stations.[14] These test data are a vital part of all research and development programs. They are essential to the testing party in determining whether a system meets operational requirements and to an arms control partner in verifying compliance with treaty commitments. Neither party wishes to reveal more information than is required by specific treaty provisions. In the case of SALT II, encryption is allowed except when it "impedes" verification. How much encryption shields sensitive test data while communicating treaty compliant data is determined by the testing party. The failure of the SALT II Treaty to establish clearly how and when encryption impedes verification left an ambiguity that the Soviets have fully exploited.

The U.S. has accused the Soviets of "heavily" encrypting telemetry broadcasts during tests of their SS-24 and SS-25 intercontinental ballistic missiles (ICBMs), as well as a new submarine-launched ballistic missile, the SS-N-20. These practices impede U.S. verification of Soviet compliance with the SALT II Treaty. The President's reports to Congress concluded that Soviet concealment activities presented special obstacles to maintaining existing arms control agreements and undermined the political confidence necessary for concluding new treaties.[15]

Images Two and Three

The Soviets reportedly began encrypting signals from their missile tests in the mid-1970s, when they learned through espionage of the sophistication of U.S. satellite-monitoring capabilities. The technical capabilities for encryption devices demonstrated prior to SALT II required a long lead time for production and deployment aboard test missiles.[16] The issue from within the responsible Soviet bureaucracies was what modifications would be required in Soviet encryption capabilities and practices after SALT II. Part of this difficult and technical question has to do with the relationship between legal encryption and the SALT II obligation not to "impede" verification. Monitoring missile telemetry, like satellite photography, includes a high degree of overlap between its verification and intelligence-gathering

[14] For a detailed study of the technical aspects of monitoring arms control compliance see Allan S. Krass, *Verification: How Much Is Enough*? (Lexington, Mass.: Lexington Books, 1985).

[15] *Soviet Noncompliance.* (Washington, D.C.: U.S. Arms Control and Disarmament Agency, February 1986), 11.

[16] Krass, *Verification*, 188.

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functions. What we would like to learn about Soviet missiles and what SALT II requires the Soviets to give us are two separate and often controversial issues.

The Soviets have never agreed that access to telemetry is necessary for verification. They maintain "other" national technical means are capable of verifying the relationship between Soviet ICBMs and treaty obligations.[17] When this issue came up during the SALT II negotiations, the Soviets resisted. Eventually they gave in to U.S. pressure, but with the proviso that it not require them to alter existing practices. American negotiators rejected this line noting that encryption was already hampering the intelligence monitoring (it became "verification" after the Treaty) of provisions then under negotiation.[18] The final compromise was based on the limited data required to verify the new-type ICBM provision. Neither side would engage in "deliberate" denial of telemetric information "whenever" such denial impedes verification of compliance. A total ban on encryption was unacceptable to the Soviets. A specific list of data requirements would have opened far too much discussion of U.S. intelligence techniques and procedures. The vague compromise in treaty language has resulted in persistent U.S. charges of Soviet noncompliance.

The fact that the Soviets encrypt data to a substantial degree is troubling, but does not automatically constitute a violation. As the staff report to the SALT II Treaty pointed out, no criteria for determining when encryption impedes verification was ever established.[19] Nor have subsequent negotiations at the Standing Consultative Committee (SCC), established by the ABM Treaty as a forum for regular discussion and resolution of verification problems and disputes, been successful in working out specific procedures. If, for example, during a series of twenty ICBM test flights, must data be transmitted in the clear from all twenty tests? Some tests? How many tests? How much data? The SCC has become deadlocked on the issue. Soviet negotiators have asked U.S. officials to explain what aspects of verification have been impeded. The United States has refused to present the Soviets with a model of treaty compliant behavior, because such specifics might compromise U.S. intelligence capabilities.[20] The dilemma is an exact replay of the original and unfortunate SALT II compromise that failed to specify what data was required to verify Soviet compliance.

The Soviet leadership is unlikely to modify existing test procedures as long as the United States refuses to discuss the details of what it considers adequate compliance. It would be difficult for them to reconcile U.S. demands with the position

[17] The author is grateful to Arnold Horelick on this point. See also, *Explaining Soviet Compliance Behavior: Conference Digest*, Stanford University, 14 February 1986 (Mimeo.), 53. For discussion of other ways to derive data on Soviet ICBMs see Krass, *Verification*, 189.

[18] James A. Schear, "Arms Control Treaty Compliance: Buildup to Breakdown?" *International Security* 10 (Fall 1985): 163.

[19] John Pike and Jonathan Rich, *Soviet Compliance with SALT II and the ABM Treaty*, Report by the Federation of American Scientists, 7 March 1984, 7.

[20] Described by Jack Mendelsohn, "Reagan's Proportionate Response Policy: Sense or Nonsense?" *Arms Control Today* 16 (January/February 1986): 7–11.

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apparently taken by their technical specialists and the military that "other means" of verification are available to determine the very selective performance data that Washington is entitled to have under existing treaty provisions.

An additional complication arises from the extensive deployment of U.S. monitoring stations on the territories of its allies. The Soviet Union has never accepted third-country monitoring sites as legitimate "national technical means."[21] In practice this means that they need not respect limitations on interfering with the operations of such stations.

The SS-25 ICBM

Image One

In an attempt to limit the development and deployment of new, more capable ICBMs, the provisions of SALT II permit each side to test and deploy just one "new type." For the United States this was the MX, the Soviets designated the SS-24 as their new missile. By almost any definition except one, the SS-25 is a second new missile and not, as the Soviets claim, a permissible follow-on to the SS-13. The *one* exception may be the SALT II definition of "new type."

This compliance controversy has grown out of a combination of complex treaty provisions and inadequate monitoring capabilities for those provisions. For example, both sides wished to maintain the right to modernize their existing missile inventories—new warheads, improved guidance systems. Exactly when a new or modernized missile became a "new type" was spelled out in detail. Treaty language defines a "new type" as any missile that would change an existing missile's fuel type; number of stages; or, by 5 percent or more, its length, largest diameter, launch weight, or throwweight. An additional provision precludes the deployment of a new single warhead ICBM if the warhead weight is less than half of the overall throwweight. The intention of the latter provision was to prevent the sudden emergence of multi-warhead missiles.

When the United States first detected testing of the missile in early 1983, American intelligence concluded that it was a "new type" based on estimates of its dimensions, throwweight, and warhead weight. U.S. officials concede, however, that their data base on the SS-13 is poor and incomplete.[22]

Images Two and Three

The first problem that Image One or Two analysis encounters with the SS-25 ICBM issue is in establishing an accurate accounting methodology. Administration reports claim: the SS-25 is an illegal second new type ICBM; the weight of its warhead is less than 50 percent of its total throwweight (thereby posing an illegal threat

[21] Krass, *Verification*, 187 and n. 28.

[22] Schear, "Arms Control Treaty Compliance," 166; and Pike and Rich, *Soviet Compliance*, 8–10.

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of a MIRV capable ICBM); the Soviets have encrypted vital data during its test flights; the Soviets conceal the relationship between the SS-25 ICBM and its launcher; the Soviets have used "remaining facilities" at former SS-7 ICBM sites to support SS-25 activities.

Does the SS-25 represent one or five violations? Or is it one issue that violates five provisions of SALT I and II? The most serious issue is the missile's legality as a modernization or follow-on to the SS-13 rather than a second, illegal new type ICBM. This issue rests on a controversial Soviet definition of throwweight. They have argued at the Standing Consultative Committee in Geneva that a device, which normally would be considered part of a missile's throwweight, is attached to the SS-13 missile's third stage. The United States has not included this device in its estimates of SS-13 throwweight. The results have been a consistently undervalued throwweight for the SS-13 which, in turn, has produced an SS-25 data base that exceeds the SALT II 5 percent provision for ICBM modernization. The Soviets, as a result of this alleged SS-13 testing procedure, claim that the throwweight of the SS-25 is actually less than that of the SS-13.

The second SS-25 violation, the testing and deployment of a single reentry vehicle that weighs less than 50 percent of an ICBMs total throwweight, has also been denied by the Soviets. They have argued that during testing, they have attached a heavy instrumentation package that increases the missile's throwweight, and thereby decreases the reentry vehicle's percentage of the total throwweight. According to the Soviets, when a deployed SS-25 is tested without this package the missile complies with the treaty.[23] The Soviets commonly test operational missiles and, depending on their degree of encryption or alternate U.S. monitoring capabilities, this part of the controversy could eventually be resolved.

Krasnoyarsk Radar

Image One

Krasnoyarsk could be remembered by historians as the central Siberian birth place of the late Soviet leader, Konstantin Chernenko. Instead, its notoriety in the West is the result of the Krasnoyarsk Radar Station – "Exhibit A" and consensus violation of the ABM Treaty.

Discovered by U.S. Intelligence in 1983, the radar's single face looks across 6,000 miles of Soviet territory toward the northern Pacific. When completed, the radar will have the appearance and capability of other Soviet early warning radars already operational along the Soviet periphery. These radars comply with the ABM Treaty because they are located on the edge of Soviet national territory and are sited outward. The Krasnoyarsk location, if not its function, however, violates the intention of the ABM Treaty to restrict radars – especially large phased-array radars capable of both legitimate early warning and prohibited ABM battle management

[23] Mendelsohn, "Reagan's Proportionate Response Policy," 8.

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missions. Restricting radar locations was the best solution to the problems of limiting a technology with both legitimate and proscribed missions. Radars are especially sensitive ABM components because they play a critical role and require a long lead time for construction if the Soviets planned to develop a territorial defense in violation of the ABM Treaty.

Images Two and Three

The Soviets have countered U.S. claims of noncompliance by asserting that the radar is a treaty-compliant space-tracking station and this will become clear to U.S. observers when the radar begins operations. The issue underlines the great difficulties in negotiating functional limitations on versatile technologies. Even so, the Soviets have tacitly admitted doubts on the strength of their position by offering to stop construction at Krasnoyarsk if the United States will do the same at Thule, Greenland, the site of a nearly thirty-year-old early warning radar currently undergoing extensive modernization, which some former U.S. officials have argued is also a violation of the ABM Treaty.[24] Whether the Soviets have raised the U.S. radar at Thule as an analogy to defend themselves or to find a face-saving compromise is uncertain. The larger issue is why and how the decision was made to locate the radar at Krasnoyarsk.

Krasnoyarsk fills the last gap in the Soviet early warning radar system. Difficult lessons may have been learned from Soviet experience with earlier radar construction. Building along the northern periphery of the Soviet Union may have been more expensive and more difficult than imagined. They may also have discovered that in actual operation, these radars had a narrow field of vision. Filling the last gap in northeastern Siberia may have required two radars distant from existing rail or road networks. A decision to build on the periphery of the existing Soviet logistical support base could have seemed appropriate, even logical to those involved during the declining years of Brezhnev and the ascendancy of the Reagan administration.

Even the most extreme loose constructionist model of Soviet compliance decision making has difficulty in accommodating an expenditure as large as Krasnoyarsk. Nevertheless, if the conditions described above are valid, the gambit may have seemed worth the risk, particularly if it were not accompanied by a larger scheme to break out of the ABM Treaty. Any such long-range plan, if it existed at all, would most probably have been devised within the bureaucratic subculture (party-military hardliners, for example) rather than by an enfeebled Politburo undergoing the first of three leadership successions in almost as many years. The ABM Treaty, however, makes no provisions for such practical problems or internal political friction. The radar is the most convincing issue in the President's noncompliance reports.

[24] Legal and technical issues are described by former ACDA staff member Peter Zimmerman in "The Thule, Fylingdales, and Krasnoyarsk Radars," *Arms Control Today* 17 (March 1987): 9–11.

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Exceeding the Strategic Nuclear Delivery Vehicle (SNDV) Limits of SALT II

Image One

This complex issue arises from the logical and reasonable assumption that the 1982 mutual pledge to abide by the major provisions of the SALT II Treaty includes some ceiling on the numbers of deployed strategic nuclear delivery vehicles. U.S. ratification of the treaty, however, was the only means of activating the specified SNDV ceilings. Without ratification, no explicit agreement exists on the numerical value of a launcher ceiling.[25] The U.S. has used 2,504 as the aggregate number to which the Soviets have politically committed themselves, because that number was in effect in 1979 when the SALT II Treaty was signed. In its December 1985 noncompliance report, the administration concluded that the Soviets were in violation by exceeding that number. The administration's case is based on Soviet activities between September 1981, when the United States informed the Soviets that it would not seek to ratify SALT II, and the 1982 mutual political commitment to abide by the Treaty. During this period, the Soviet Union deployed additional SNDVs, and those activities continued through 1984 and 1985, including the destruction of older SS-11 launchers and silos as new SS-25s were deployed. *Bear H* cruise missile-carrying bombers were also deployed, but older bombers were not destroyed in sufficient numbers to compensate. The net effect was to maintain their SNDV count at a level slightly above the 2,504 ceiling claimed as binding by the United States.[26]

Images Two and Three

Whether the Soviet Union has violated the implicit SALT II limits on strategic nuclear delivery vehicles depends on how the data is interpreted for strategic bomber forces. The procedures for dismantling or converting bomber aircraft to aerial refueling tankers have been drafted, but not completed, by the Standing Consultative Commission. The lack of specific agreement on bomber dismantling procedures, combined with uncontested Soviet compliance with the dismantlement of other strategic weapons, raises serious questions about the strength of the U.S. case. The President's reports fail to note that as new Soviet strategic systems have been deployed, older systems (nearly 1,300) have been retired.[27] Missile silos have

[25] The Soviet Union declared that as of the date of signing SALT II it possessed 1,398 ICBM and 950 SLBM launchers and 156 heavy bombers. Since the SALT II levels of 2,400 and 2,250 are applicable only "upon entry into force" of the treaty, this total of 2,504 is considered to be the implicit limit on Soviet SNDVs.

[26] *Soviet Noncompliance*, 8–9.

[27] *Joint Chiefs of Staff Military Posture Statement, FY 1987* (Washington, D.C.: U.S. Department of Defense, 1986), 19.

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been destroyed; missiles and submarines have been cut up according to SALT II procedures.

The Joint Chiefs of Staff have also reported that the tail sections of 15 *Bison* bombers were cut off as the Soviets deployed new *Bear H* cruise missile carriers.[28] At issue are approximately 30 *Bison* bombers, which were converted to aerial fuel tankers, but which the U.S. still counts as operational bombers.[29] The Soviets, while not publicly stating their case, may consider these newly converted tankers to be no longer SALT-accountable and in the same category as other Bison tankers that were formally exempted from SALT II limits. Even with the unresolved tanker issue, the administration claims that the Soviet SNDV ceiling has varied between 2,504–2,540 during 1985, with the most recent figure set at 2,520—sixteen over the U.S. claimed ceiling.[30] If the drafted bomber-tanker conversion procedures were signed at the SCC, the SALT-accountable Soviet limits would drop to 2,490 or fourteen below their permitted limits. If an alleged violation can be resolved at the SCC through formal agreement on bomber dismantlement and conversion procedures already in draft form, its credibility in the Image One cheating scenario is substantially reduced.[31]

Launcher and ICBM Association

Image One

SALT II prohibits "deliberate concealment measures which impede verification by national technical means," including activities that conceal the association between an ICBM and its launcher during testing. Is, for example, a missile being launched from a silo or a mobile launcher? Precision is required for counting launchers, identifying them, and differentiating them from launchers of missiles that are not limited by the Treaty—SS-20 mobile, intermediate range missiles, for example.

The administration's December 1985 compliance report added this issue for the first time. Without spelling out the details, the report concludes that the SS-25 test series have violated SALT II provisions by concealing the relationship between the missile and its launcher.[32] A statement by the Soviet government that the SS-25 has a mobile launcher has not been judged sufficient to relieve the Soviets of their obligation to allow the United States independent access to make its own judgment on the issue.

[28] Ibid., 19.

[29] *New York Times*, 24 November 1985.

[30] *Soviet Noncompliance*, 9.

[31] The administration confirmed in a letter to Congressman Lee Hamilton that no effort has been made to complete bomber dismantlement/conversion procedures at the SCC. This raises an important consideration: How much has the Reagan administration been responsible for creating the Soviet record of compliance?

[32] *Soviet Noncompliance*, 11–12.

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Images Two and Three

This is the fourth issue involving the SS-25 ICBM. The concealment of the relationship between the missile and its launcher would have potential military significance if the Soviets had declared their intent to deploy the SS-25 in silos. A case could then be made that perhaps the Soviets might attempt covert deployment of mobile missiles. However, since the Soviets have not only declared, but have already deployed the SS-25 on mobile launchers, which are presumably distinguishable from other Soviet mobile launchers, the issue has no military relevance.

The degree to which Soviet organizational routines at the SS-25 test range may violate concealment prohibitions in SALT II represents a principle worth calling to the attention of Soviet leaders; but it is not an issue that would have likely been directed or controlled from the top. Image two offers the most likely explanation of Soviet actions. Responsible bureaucrats may have attempted to conceal something. They could just have easily assumed that U.S. intelligence could discriminate between mobile launchers and silos.

The Use of "Remaining Facilities" at Former SS-7 Sites

Image One

Soviet activities at some former SS-7 ICBM sites became the single SALT I issue to be upgraded from "no violation" to "violation" in the December 1985 report. SALT I prohibited the use of certain facilities remaining at dismantled or destroyed ICBM sites. This prohibition was devised to prevent the rapid reactivation of old sites. Construction activity during 1984 and 1985 at retired SS-7 sites was judged to be incorporating remaining facilities in support of the deployment and operation of new SS-25 mobile ICBMs.

SALT I and the procedures for dismantling ICBMs negotiated in the SCC established two major criteria for determining whether the use of a structure remaining at any former SS-7 sites would be a violation. For this purpose, "structure" must mean the definition of a "facility," and the "facility" must be used for storage, support, or launch of ICBMs.[33] The administration's December 1985 compliance report and the 1986 Arms Control and Disarmament Agency (ACDA) report found the Soviets in compliance with their destruction and deactivation of SS-7 missiles and launch sites. However, both reports concluded that a "number"of surviving facilities were being used in support of SS-25 mobile ICBMs.

Images Two and Three

This fifth and final issue related to the SS-25 ICBM is the one most clearly explained by Image Three. There is a sharp disagreement between the parties over

[33] Ibid., 13.

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this SALT I issue. The Soviets maintain that any remaining facilities at former SS-7 ICBM sites used in support of SS-25 activities are legal because the provision did not apply to mobile missiles. Even when mobile missiles are brought into the debate, it can be argued that the SS-25 is being deployed in self-sufficient support bases similar to SS-20 intermediate range missiles. Remaining SS-7 facilities are treaty compliant and support construction and logistical functions for the SS-25 bases, but not for "storage," "support," or launch of ICBMs. Even if the issue were more ambiguous than it seems to be, powerful forces in the Soviet bureaucracy would find it attractive to cut costs by integrating as much existing infrastructure as possible into Soviet strategic modernization programs.

The Military Significance of Noncompliance Issues

The available evidence supports conclusions that vary significantly from official noncompliance reports to Congress. One important test of Images Two and Three developed above is to assess the military significance of each charge. Is there a pattern? Does that pattern suggest a well orchestrated strategy of noncompliance to gain unilateral military advantage over the United States? If Soviet activities have resulted in no significant military advantages, the case for alternative interpretations of the evidence becomes more compelling.

Table 3 summarizes the military significance of the six "confirmed" violations. Together, these violations suggest no clear pattern that strengthens Soviet strategic posture in any one of the three criteria for significant military behavior. Soviet behavior can be explained through a combination of political, technical, and legal motivations. The violations described here are such blatant acts that they cannot be called "cheating" in the usual sense of clandestine activities to gain a military advantage or strategic surprise. Even if the Soviets were exploiting the plausible denial that often results from vague treaty language and imperfect monitoring capabilities, the military benefits are marginal in comparison with the political damage to overall Soviet-American relations.

For example, the long-term military significance of encrypting missile flight test data depends largely on the degree to which "other" intelligence methods—including ground, sea, or space based radars—can, as the Soviets imply, gather required data. Telemetry is the most reliable single means of making firm estimates, and total encryption would undermine U.S. ability to predict the direction of Soviet strategic modernization programs. On the other hand, it is difficult to reconcile U.S. claims that encryption has impeded verification of treaty-selected performance characteristics with the detailed official descriptions of Soviet missiles, and with the precise data required to refute Soviet claims that the SS-25 is a legal follow-on to the SS-13 rather than a "new type" ICBM. Former Secretary Weinberger, for example, has described the SS-25 in precise terms—it is 10 percent longer, 11 percent larger in diameter, and has 92 percent more throwweight than the SS-13.[34]

[34] Secretary of Defense Caspar Weinberger, during a briefing for his fellow NATO defense ministers in Brussels. *Los Angeles Times*, 30 October 1985.

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TABLE 3

Military Significance of Soviet Noncompliance

Issues *	*Strategic Balance/ Stability*	*Breakout Potential*	*Undermines Predictability*
1. Encryption of test data	– No significance at Salt II levels	– Marginal depending on other monitoring capabilities	Yes
2. SS-25 as a second new type ICBM	– Potentially stabilizing with mobile basing and single warhead	– No impact with single warhead	No
3. SNDV ceiling exceeded	– No significant impact at Salt II levels	– No significant impact at Salt II levels	No
4. Krasnoyarsk radar	– Significant only as part of a territorial defense	– Contributes to more rapid deployment of territorial defense	Yes
5. Launcher/ICBM association	– No significance	– Marginal at existing launcher/warhead ceilings	Yes
6. Activities at old SS-7 sites	– No significance at Salt II levels	No	No

* These 6 issues were the confirmed violations listed in the President's reports to Congress.

Technical and operational procedures seem to be at the heart of the SS-25 issue. Recent Soviet activities are difficult to explain in terms of duplicity or deception. Why, for example, in the midst of a controversy over the SS-13/25 relationship would the Soviets resume test flights of old SS-13s if they were deliberately cheating or attempting to obscure the technical relationships between the two missiles?

From the administration's point of view the Soviets have violated the SALT II limitation of one new missile type. Ironically, the military significance of the SS-25 may be in the interest of both the United States and the Soviet Union. Strategic modernization trends toward less vulnerable, smaller, single-warhead ICBMs have been advocated by many U.S. government officials and defense analysts, including the President's Scowcroft Commission.[35] The United States should be pushing the Soviets in precisely this direction, just as many are pushing for a new U.S. mobile missile – the Midget Man. Strategic stability in the form of fewer incentives to launch a first-strike could be strengthened by mobile ICBM deployments in combination with reductions in the Soviet SS-18 ICBM force.

Perhaps the most significant SS-25 issue is the throwweight of its warhead. If, as the United States claims, it is less than 50 percent of the total weight of the reentry vehicle, a limited "breakout" capability would result in the capability to

[35] B. Scowcroft, et al., *Report of the President's Commission on Strategic Forces*. (Washington, D.C.: U.S. Government Printing Office, 1983), 9-21.

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deploy a multiple warhead version. Such engineering and packaging games would not affect the strategic balance unless the Soviets attempt to deploy forces above SALT II limits or until arms control agreements bring strategic nuclear force levels down to at least 50 percent below their current levels. Even then, the survivability of U.S. forces would depend as much on their deployment modes as marginal numerical advantages by either side. In any event, there will be adequate time for the United States to respond if future Soviet tests of deployed SS-25s confirm the American throwweight estimates.

Two additional SS-25 issues described in the President's report seem less serious. The military significance of Soviet efforts to conceal the relationship between the SS-25 missile and its launcher would have potential military significance if the Soviets had declared their intent to deploy the SS-25 in silos. A case could then be made that perhaps the Soviets might attempt covert deployment of mobile missiles. However, the Soviets have not only declared, but have already deployed the SS-25 on mobile launchers, which are distinguishable from other Soviet mobile launchers. The issue has little military relevance, but left unresolved, a precedent could be established that undermines the U.S. capability to predict the direction of Soviet strategic modernization programs if future Soviet test practices do not clearly show U.S. intelligence a single launcher and missile association. The military significance of Soviet actions at former SS-7 ICBM sites is negligible as long as they remain within SALT I and SALT II ceilings. The only measurable advantage is the savings which results from using existing roads and facilities to support SS-25 bases.

There is far less ambiguity in Soviet radar deployments. Krasnoyarsk is an illegal radar site. The best test of its military potential is to asses its capabilities against the deliberate Soviet ABM breakout thesis. There are at least four functions that Krasnoyarsk could perform: early warning (legal), satellite tracking (legal), ABM battle management (illegal), and ASAT (antisatellite) battle management (illegal). According to a 1985 CIA assessment, the radar is not well designed for ABM battle management, because its single face (unlike the legal four-sided battle management radar near the Moscow ABM complex) looks in the wrong direction to detect the northern trajectories of U.S. ICBMs and their warheads against which the radar would have to guide interceptor missiles.[36] Moreover, the radar is not "hardened" against nuclear effects, and there are no interceptor missiles, associated radars, or other ABM-related items near the facility.

The CIA report, as well as former Secretary of Defense Harold Brown, conclude that the radar is a violation, but not a military threat.[37] In fact, the administration's noncompliance reports indirectly make the same case through their inability to confirm that other suspected ABM violations—such as mobile

[36] See Michael Gordon's Report, "CIA is skeptical that New Soviet Radar Is Part of an ABM Defense Report," *National Journal* 17 (9 February 1985): 523–526.

[37] Ibid., 525.

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components and dual capable air/missile defense radars—are valid, much less linked in any way to the Krasnoyarsk facility. Cheating in the gray areas between air defense and ballistic missile defense is risky, because it results in low-confidence defenses while risking offensive countermeasures. The case for a creeping Soviet territorial defense or breakout from the ABM Treaty requires clear evidence of a more systematic effort, including hundreds if not thousands of radars, sensors, and ICBM interceptors, all of which require long lead times for construction and deployment as part of a credible territorial defense.

Finally, and by all accounts, the issue of Soviet strategic nuclear delivery vehicles in excess of SALT II ceilings has little military significance, and does not, when combined with the destruction patterns of Soviet strategic forces and the unresolved bomber/tanker conversion procedures, support the case for concerted cheating to gain strategic advantage. The numbers in dispute rest on the bomber conversion issue. These bombers, when converted to refueling tankers, will support a modernized Soviet bomber force, but their numbers are too small to undermine the predictability of Soviet force modernization or to challenge the strategic balance.

Conclusions

The marginal military gains from Soviet activities described under Image One and other plausible models of Soviet behavior assessed under Images Two and Three support the conclusion that the Reagan administration's attacks against the major pillars of the existing arms control regime—SALT I, SALT II, and the ABM Treaty—exceed the principle of proportionate response. At the same time, those in the United States who have consistently argued the case for Soviet noncompliance are aided by Soviet counterparts who are equally anxious to exploit every treaty ambiguity. The result is a political climate in which images of Soviet cheating and actual Soviet bureaucratic behavior are natural allies in fomenting protracted compliance debates that threaten the Soviet-American arms control regime.

If the image of Soviet bureaucratic politics and standard operating procedures described here has even marginal validity, the Standing Consultative Committee has been an ingenious device to cut through the highly secretive and compartmentalized Soviet bureaucracy, confronting political leadership formally and directly with U.S. concerns about compliance behavior. The SCC functioned in this manner during the Nixon, Ford, and Carter administrations.[38] This is not to suggest that all issues were resolved smoothly or that the Soviets, when confronted with U.S.

[38] Questions about Soviet compliance began surfacing publicly in 1975. According to a 1978 Department of State Report to Congress, the United States raised eight different issues in the SCC, six of which were resolved. Two other issues were unresolved due to ambiguities in the agreements themselves. See Mark M. Lowenthal and Joel S. Wit, "Politics, Verification and Arms Control," *Washington Quarterly* 7 (Summer 1984): 117, 125.

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concerns, pleaded guilty or confessed. Behavior, however, did often change over time, demonstrating a potential relationship between the SCC and the Soviet leadership's active intervention to alter bureaucratic routines.

The Reagan administration has been far more critical of the SCC. The number of noncompliance issues has risen dramatically along with a much greater tendency to discuss them publicly rather than at the SCC. SCC negotiators have experienced a greater degree of frustration and more dead ends as in the case of encryption discussed above. The SCC functions as a continuing negotiating forum for resolving SALT and ABM Treaty disputes will produce fewer visible results when and if Image Three (differences in interpretation of treaty obligations) or Image One (preplanned deception to gain military advantages) are at work. Image Three requires complex and often protracted negotiating that matches that of the original treaty. Image One, to which the Reagan administration has gravitated, threatens not only the SCC, but the entire arms control regime—present and future.

Soviet behavior has not been the only and perhaps not even the most critical variable. Powerful forces in the administration repeatedly made it clear during Reagan's first term that strategic modernization programs ("supply-side arms control" as former Assistant Secretary of Defense Richard Perle once quipped) were the top priority. The SDI introduced another program that negotiators were required to protect. Support for both offensive and defensive modernization programs were made easier by the adminstration's frontal assault against Soviet noncompliance with their arms control obligations.

There are important lessons in these events if arms control is to have a role in future Soviet-American relations. For the Soviets it would be a mistake to dismiss all of the allegations against their compliance record as propaganda from unregenerate hawks. The Reagan administration has struck a sympathetic nerve in the American public, because mistrust of the Soviet Union is widespread, if not a fundamental part of American beliefs. Arms control, even though widely supported, always walks a fine line between public fears of nuclear war and Soviet intentions. Loose constructionist compliance behavior will have to give way to something closer to U.S. legalistic or tight constructionist views of treaty obligations if arms control is not to be supplanted by unilateral military responses to Soviet threats.

The Soviets can respond to U.S. concerns only if Washington establishes politically realistic standards of compliance. Unfortunately, American domestic politics have produced three competing standards.[39] First, within the most enthusiastic wing of the arms control community there is often an implicit acceptance of ambiguity or even of "minor" violations as long as they have no military significance. By contrast, legalists argue that all violations are important, and the degree to which parties adhere to the provisions of a treaty is an important measure of their

[39] The author is indebted to Glenn C. Buchan for these typologies. See his "The Verification Spectrum," *Bulletin of the Atomic Scientist* 39 (November 1982): 16-19.

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good will and trustworthiness. Precise language strictly adhered to is fundamental to treaties between states.

The Carter administration was split by these two factions just as the Reagan administration has become divided between legalists and a third and increasingly dominant faction—the skeptics for whom no degree of arms control verification can buy more security than unilateral defense programs. For skeptics, suspicion is the basis for action. The Soviets must prove the absence of noncompliance, because even compliance with provisions of a treaty can be interpreted as sinister. The skeptics' influence can be found in many of the ambiguous conclusions of the administration's compliance reports. The most recent example is the internal debate that followed the discovery of three new, but treaty-compliant radars discussed above. Though these radars were located at legal sites, several administration officials wanted their existence cited as evidence of a Soviet program to construct an illegal territorial ABM defense system.

The loose contructionist school is politically unacceptable in the United States. On the other hand, the skeptics demand standards of evidence that could be satisfied only by levels of intrusive verification that are as unacceptable to U.S. negotiators as they are to the Soviets. By default, the legalist standard survives as a measure most likely to be accepted by both American and Soviet officials. It is also the standard best suited to deal effectively with all three images of Soviet compliance behavior.

Precise treaty language, reduced levels of complexity, and ambiguities resolved by more intrusive means of verification, and a strongly supported SCC are reasonable standards to incorporate in future treaties. The Soviets surprised the Reagan administration by accepting several complex provisions for on-site inspection. In recent negotiations on the elimination of chemical weapons, the Soviets accepted surprise or challenge inspection of sites where a potential treaty violation is suspected. The Intermediate Nuclear Force (INF) Treaty reveals how extensively the Soviets agreed to U.S. proposals for on-site inspection of production facilities, deployment areas, and during the destruction of missiles and support facilities covered by the treaty.[40]

Provisions for on-site inspection raise confidence levels and remove obstacles to ratification in Congress, but they are not foolproof. Neither are they likely to satisfy skeptics. With the possible exception of the SS-16 ICBM, on-site inspection would not have resolved any of the compliance issues discussed here. Cheating at the margin will always be possible, but cheating to the degree that one side gains a significant military advantage before the other responds is difficult and risky. Soviet nuclear weapons are not produced by cottage industries. Their components, production, testing, and deployment require massive infrastructures that are visible

[40] The INF verification regime is spelled out in the treaty text, articles IX–XIII and in the "Inspection Protocol" to the Treaty. See also Jack Mendelsohn, "INF Verification: A Guide for the Perplexed," *Arms Control Today* 17 (September 1987).

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to U.S. intelligence. For the Soviets to break out of treaty obligations with programs that suddenly and dramatically alter the strategic balance would require something close to a total intelligence failure.

The prospects for intelligence failures, no matter how slight, have and should always be hedged by robust research and development programs, which provide both insurance against cheating and incentives not to. Russian history, from Potemkin village to the bomber and missile gap controversies of the late 1950s and early 1960s, is filled with examples of deception to conceal weakness, not strength. Military strength is the one symbol on which the Soviets have rested their superpower status. They wear it proudly for all its cost and sacrifice. Examples of strategic surprise that have revealed Soviet strength are limited mostly to wartime experiences, such as the battle of Stalingrad, which the Soviets won by counterattacks by massive reserves unknown to the Germans. In war, however, deception need only work once for a short period. Protracted deception required for breaking out of an existing arms control regime with significant military capabilities is much more difficult and extremely dangerous when compared to the political and military benefits the Soviets could gain through a more stable strategic environment that results from arms control. Cheating also wastes the considerable political capital the Soviets have invested in the process of negotiating treaties in the first place.

Multiple explanations for Soviet actions and marginal military benefits from the Reagan administration's cheating scenarios do not justify the U.S. decision to abandon SALT and threaten the ABM Treaty. The danger in these trends stems from long gaps between old and new treaties, which may be filled by destabilizing offensive or defensive actions by one or both parties. An arms control failure at the end of costly strategic modernization programs and in spite of a strong U.S. negotiating posture would leave the Reagan administration with a dubious legacy and confront its successors with formidable obstacles on the path of Soviet-American relations.*

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The Federal Government and Needy Citizens in Nineteenth-Century America

WALTER I. TRATTNER

For some time now, especially since publication in 1947 of Oscar and Mary Handlin's pathbreaking *Commonwealth* and the appearance eight years later of Robert Lively's important review essay on "The American System,"[1] historians, and others, have conceded that in economic matters the so-called welfare state had its start not in the 1930s but at least some one hundred years earlier. Clearly, despite the rhetoric, which glorified limited government, the free enterprise system, and economic individualism, scholars have demonstrated that the states and the federal government stimulated and aided business and commerce long before the so-called New Deal.[2]

For the most part, however, it still was and is widely believed that in matters of social welfare—that is, in helping those in need—it was only during the Great Depression of the 1930s that the federal government began to assume an active role. Thus, for example, as one authority on the subject wrote in the early 1970s, the "federal government impinged little on the every-day life of ante-bellum

[1] Oscar Handlin and Mary Flug Handlin, *Commonwealth: A Study of the Role of Government in the American Economy, Massachusetts, 1774–1861* (Cambridge, Mass.: Harvard University Press, 1947); Robert Lively, "The American System: A Review Article," *Business History Review* 29 (March 1955): 81–96.

[2] For a good brief review of federal involvement in such developments, for example, as tariff legislation, disposal of the public domain, land reclamation, creation of a banking system, canal, road, and railroad construction, and the like, see Frank Annunziata, "The Welfare State in America: A Theme for Interpreting 20th Century History," *Social Studies* 65 (February 1974): 51–58.

WALTER I. TRATTNER is a professor of history at the University of Wisconsin-Milwaukee. He has written numerous articles and several books on American social welfare history, including *From Poor Law to Welfare State: A History of Social Welfare in America.*

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Americans." Indeed, the argument continued, the federal government was "remarkable for its lack of activity in relation to the 'general welfare' of its citizens," especially in matters of health and welfare, both of which have been largely twentieth-century concerns: "Those who sought for reasons either pragmatic or ideological to expand national prerogatives were little moved by the needs of the blind, the sick, the impoverished. To have argued, indeed, that an essential function of a 'consolidated' government was the care of such dependent groups would have been perceived as an improbable *reductio ad absurdum* of nationalistic arguments."[3]

Or, as another student of the subject put it one year later: "Between the American Revolution and the Civil War, several broad patterns in public welfare emerged. In the first place, the essential ingredients of the old British poor laws," which placed responsibility for public assistance upon local government, were "written into new state legislation after the Revolution, [and] remained intact well into the nineteenth century." Thus, throughout the period, "public welfare remained a primary function of local government. Nineteenth century laissez-faire principles of government predetermined federal inaction in response to social problems such as poverty and dependency. State governments occasionally provided small annuities to private charitable agencies and institutions or made special appropriations during disasters, depressions or epidemics. But essentially the business of providing day-to-day social welfare services was a local affair handled at the municipal, town or county level."[4]

Even more recent students of the subject, who have broadened our understanding of public policy making in nineteenth- and twentieth-century America, have continued to neglect or belittle the role the federal government played in such matters and have concentrated on the states instead. Thus, William Brock, in his well-written and well-researched work on "public responsibility in the United States, 1865–1900," which convincingly demonstrated that public responsibility for remedying the defects of the social and economic order clearly occurred at the state level between the Civil War and the end of the nineteenth century, simply ignored the federal government's efforts along those same lines.[5] So, too, did William E. Leuchtenburg in his brilliant presidential address before the Organization of American

[3] Charles Rosenberg, introduction in Thomas C. Cochran, ed., *New American State Papers: Social Policy*, 5 vols. (Wilmington, Del.: Scholarly Resources, 1972), I, 13 (hereafter cited as *NASP*).

[4] Raymond Mohl, "Three Centuries of American Public Welfare: 1600–1932," *Current History* 65 (July 1973): 7, 8. For examples of other historians who assert or strongly imply that federal activity in the social welfare system was a twentieth-century, especially New Deal, phenomenon, see Roy Lubove, ed., *Poverty and Social Welfare in the United States* (New York: Holt, Rinehart & Winston, 1972), 4; and Roy Lubove, *The Struggle for Social Security* (Cambridge, Mass.: Harvard University Press, 1968), 179; David J. Rothman and Shelia M. Rothman, eds., *On Their Own: The Poor in Modern America* (Reading, Mass.: Addison-Wesley, 1972), xix; Ralph Pumphrey and Muriel Pumphrey, eds., *The Heritage of American Social Work* (New York: Columbia University Press, 1964), 432; Kathleen Woodroofe, *From Charity To Social Work in England and the United States* (Toronto: University of Toronto Press, 1962), 156; Maurice Bruce, *The Coming of the Welfare State* (New York: Schocken Books, 1966), X.

[5] William R. Brock, *Investigation and Responsibility: Public Responsibility in the United States,*

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Historians in April 1986. In that address, a plea for historians to return to the study of political history, especially the history of the state, Leuchtenburg certainly implied that prior to the New Deal the federal government (unlike the states) had virtually nothing to do with the everyday life of the general public.[6]

Perhaps the best and most explicit example of current thinking on the matter is Robert X. Browning's *Politics and Social Welfare Policy in the United States.* In this recently published monograph on the political and economic factors that have affected the growth and shape of federal social programs since World War II, Browning simply maintained that "social programs in the United States have their origins in the New Deal period. . . ." Prior to that time, he declared, "social welfare was a mix of state, local, and private efforts."[7]

These ideas are simply untrue—and need to be changed. While it is true that in the main throughout the nineteenth century social welfare remained *primarily* a function of local and state governments, it also is true that the federal government was not dormant in matters of social welfare. On the contrary, despite the paucity of research on the matter, it is quite clear that regardless of "decentralization" and "dual federalism," and political ideologies that seemingly denied the legitimacy of federal enterprise in this area, throughout the nineteenth century national resources were made available for an extensive variety of activities in the fields of health, education, and welfare.[8] And, given the relatively modest size of the overall public effort in that regard, such federal aid was quite significant.

The primary means of federal assistance in the nineteenth century was the distribution of public lands, which constituted the chief source of the nation's wealth.[9] One of the earliest and most persuasive supporters of disposing of the public domain was Albert Gallatin, Jefferson's secretary of the treasury, who argued that the federal government, as a "prudent" landowner was obligated to dispose of at least part of the public domain in order to increase the value of the rest. Land

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1865–1900 (New York: Cambridge University Press, 1984). See, too, Jill Quadango, "From Poor Laws to Pensions: The Evolution of Economic Support for the Aged in England and America," *Milbank Memorial Fund Quarterly* 62 (Summer 1984): 434; John L. Larson, "Bind the Republic Together: The National Union and the Struggle for a System of Internal Improvements," *Journal of American History* 74 (September 1987): 365, 384.

[6] See William E. Leuchtenburg, "The Pertinence of Political History: Reflections on the Significance of the State in America," *The Journal of American History* 73 (December 1986): 585–600.

[7] Robert X. Browning, *Politics and Social Welfare Policy in the United States* (Knoxville: University of Tennessee Press, 1986), 1, 3–4.

[8] Daniel Elazar, the well-known political scientist and one of the few students of the subject who agrees with this position has argued that in virtually *all* nineteenth-century governmental activities, federal and state agencies cooperated and shared their resources in much the same way they do in the twentieth century. See his *The American Partnership* (Chicago: University of Chicago Press, 1962), 1.

[9] The legal basis of the land grants fell under Article 4, Section 3 of the U.S. Constitution, which gave Congress the authority "to dispose and make all needful rules and regulations respecting the territory or other property belonging to the United States." See Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776–1936* (Lincoln: University of Nebraska Press, 1962).

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grants, Gallatin argued, would encourage settlement in the West, stimulate commerce and, in general, raise the value of the remaining lands. Others, however, disagreed. A powerful body of opinion staunchly opposed the use of the federal domain to support state and local projects; land politics generated heated and continual political controversy throughout the period. Nevertheless, more than 1,000 million acres of the public domain were given away for such purposes by 1900.[10]

As already mentioned, the public domain was extended to states, cities, and even private interests for the promotion of an extensive variety of internal improvements—canals, roads, levees, harbors, railroads, and other capital efforts aimed at developing the nation's mercantile and communication system. In fact, so plentiful was this federal largess that Arthur Schlesinger, Jr. has termed it a "hand-out system."[11]

Commercial projects, however, did not monopolize land aid. Thus, for example, federal land grants provided the foundation for free public schooling throughout most of the nation. Actually, the basis for provision of the public lands for educational purposes preceded ratification of the U.S. Constitution. Included in the Land Ordinance of 1785, enacted by the Confederation Congress, was the famous surveying plan under which the public lands were to be divided into rectangular "townships" six miles square, each of which in turn was to be divided into thirty-six sections, with the sixteenth section of each to be reserved "for the maintenance of public schools within the said township." Then came passage of the Northwest Ordinance of 1787, which reaffirmed the principle of federal support for public education, first by declaring that "knowledge being necessary to good government and the happiness of mankind, schools and the means of education should forever be encouraged," and then by providing that the legislatures of the territories or states carved out of the Northwest Territory "shall never interfere with the primary disposal of the soil by the U.S. in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers."[12]

In addition, the charitable concerns of the day also achieved a large measure of success in securing federal assistance in the form of land grants. In 1819 and again in 1826, the federal government granted sizeable tracts of the public domain to two social welfare institutions—the Connecticut Asylum for the Deaf and Dumb, a private institution, and the Kentucky Deaf and Dumb Asylum, a public institution—indicating that in this area, too, the federal government accepted and supported the principle of cooperation with local and even private efforts.[13]

[10] For a discussion and breakdown of federal land grants see Marion Clawson, *Uncle Sam's Acres* (New York: Dodd, Mead, 1951), 18–94; and Paul W. Gates, *History of Public Land Law Development* (Washington, D.C.: U.S. Government Printing Office, 1968), appendix C, 804–805.

[11] See Arthur Schlesinger, Jr., "The Welfare State" in Charles I. Schottland, ed., *The Welfare State* (New York: Harper and Row, 1967), 118.

[12] Reprinted in Henry Steele Commager, ed., *Documents of American History* (New York: Appleton-Century-Crofts, 1963), 123–124, 128–132.

[13] Walter I. Trattner, "The Federal Government and Social Welfare in Early Nineteenth-Century America," *Social Service Review* 50 (June 1976): 243–255.

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While federal aid to the deaf and dumb was limited, it nevertheless was significant; it not only sustained important pioneering efforts in that field, but it encouraged reformers working with other handicapped citizens to seek national assistance. Thus, in 1848 Dorothea Dix, the well-known crusader on behalf of the mentally ill, turned to Washington for financial aid. After pointing out in her memorial to Congress that the federal government already had granted well over one-hundred million acres of the public domain to the various states and numerous public and private charitable institutions of one kind or another, including those for the deaf and dumb in Connecticut and Kentucky, she asked why the Congress should not do the same for the nation's unfortunate victims of mental illness.[14] Members of the Congress, of course, eventually accepted the logic of that argument and in 1854 passed the so-called Dix bill, which allotted ten-million acres of public land to the states, the proceeds from the sale of which were to be used for the care of the indigent insane.[15] To the surprise of many, however, President Franklin Pierce vetoed the measure.

While expressing "the deep sympathies in [his] . . . heart" for "the humane purposes sought to be accomplished by the bill," the President felt compelled to veto it, he said, because, in his opinion, it was illegal: "If Congress has the power to make provision for the indigent insane . . . it has the same power for the indigent who are not insane," and thus all the nation's needy. He continued, "I cannot find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States." To do so, in his judgment, "would be contrary to the letter and spirit of the Constitution, and subversive of the whole theory upon which the union of these states is founded." As for previous acts of Congress which furnished precedents for the bill, particularly the land grants to the Connecticut and Kentucky institutions, Congress, in his opinion, had erred—it had transcended its power. Those examples, he declared, should "serve . . . as a warning [rather] than as an inducement to tread in the same path."[16]

The Pierce veto and its impact on social welfare history have not received the study they need.[17] Despite its ideological tenor, there is evidence to suggest that rejection of the Dix bill was related less to the desirability or undesirability of

[14] The "Memorial of D. L. Dix Praying [for] the relief and support of the indigent curable and incurable insane in the United States" can be found in the *NASP*, I, 385–416. Also see *Congressional Globe*, 30th Cong., 1st sess., 1848, vol. 17 (n.s.), 875.

[15] When the bill was introduced in Congress for the first time (1848), it called for the granting of five million acres of public land for the insane; when it was reintroduced at a later date, it called for the allotment of 12.25 million acres of land, ten million for the insane and the remainder for the blind and the deaf and dumb. When finally passed in 1854, however, the measure called for the appropriating of ten million acres of land for the insane.

[16] For Pierce's veto message, see *Congressional Globe*, 33rd Congress, 1854, vol. 28, part 2, 1061–1063, or *NASP*, I, 417–425.

[17] Nor, by the way, has the question of why Dorothea Dix did not resume her efforts in subsequent years under more amenable chief executives as, for example, Justin Morrill did with regard to federal aid for agricultural colleges.

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providing federal aid to social welfare in general, or to the indigent insane in particular, than to other matters, especially land politics. The issue of continued federal support for internal improvements constituted one of the chief political controversies of the day during the two decades prior to the Civil War, especially between Whigs, who favored such national aid, and Democrats, who opposed it. The Dix bill became entangled in that debate and, whatever the language, the veto appears to have been designed by the President to put Congress on notice of his intention to oppose further depletion of the public domain.[18]

While the Pierce veto defeated the principle of national responsibility for the indigent insane, it did not put an end to successful requests for federal aid. Indeed federal support for a variety of other social and social-welfare purposes continued and expanded throughout the nineteenth century. Not only did acreage for education, for example, increase greatly as a result of Congressman Justin Morrill's successful efforts to secure federal aid for colleges teaching "such branches of learning as are related to agricultural and the mechanic arts,"[19] but land grants for charitable purposes increased as well, especially during the latter part of the century.

A variety of service institutions, for example, were aided by statehood land grants, which increased in magnitude during the late 1800s. Thus in 1889, North and South Dakota, Montana, and Washington entered the Union under the so-called Omnibus Act. Under its provisions, each was provided with the standard benefits accruing to new states: sections for the common schools, acreage for public buildings, and 5 percent of the proceeds of subsequent federal land sales. In addition, however, the Congress authorized each of the new states to receive a half-million acres of public lands for other educational and for charitable purposes, some of which were specified by Congress and some of which were to be used at the discretion of the new states.[20]

Thus, North and South Dakota each received 40,000 acres that were used for asylums for the deaf and dumb, a reform school, and a school of mines. In addition to 100,000 acres for a school of mines, Montana obtained some 50,000 acres for various charitable institutions, and so on. These education and welfare grants were continued as the remaining territories were transformed into states. Thus, Wyoming, admitted to the Union in 1890, received 10,000 acres for a poor farm, 30,000 acres for a hospital for disabled miners, and 30,000 acres for an insane

[18] Thus, four months later Pierce vetoed the Rivers and Harbors Act, perhaps that congressional session's chief piece of economic legislation. For the political context of that period's land policy, see Joel H. Sibley, ed., *The Transformation of American Politics, 1840–1860* (Englewood Cliffs, N.J.: Prentice-Hall, 1967), esp. 22–28, 88–108.

[19] For the impact of the Morrill Land Grant Act for Colleges of Agriculture and Mechanic Arts, see Frederick B. Mumford, *The Land-Grant College Movement* (Columbia: University of Missouri Press, 1940); and Earle D. Ross, *Democracy's College: The Land-Grant Movement in the Formative Stage* (Ames: Iowa State College Press, 1942).

[20] Omnibus Statehood Act: 25 *Stat* 676, 22 February 1889.

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asylum. Four years later, Utah was given 100,000 acres for an institution for the blind, and so it went.[21]

Such federal munificence, of course, was in addition to the aid provided to the nation's wards, those persons who were legally dependent on the federal government throughout the nineteenth and much of the twentieth century: native Americans living on federal reservations, indigent black (and white) inhabitants of the occupied South during and immediately after the Civil War who were helped by the short-lived but significant Freedmen's Bureau, needy veterans of the Revolutionary and subsequent wars, residents of the nation's capital, and others.

In any event, while federal aid in the nineteenth century was provided predominantly through the distribution of the public domain, cash assistance was not entirely uncommon. In a desire to reduce the size of the surplus that had accumulated in the federal treasury, in 1837 Congress provided a cash allotment to each state in the Union. In what obviously could be characterized as a direct precursor to later general revenue sharing, it simply distributed $28 million to the states (in proportion to their representation in Congress) without any conditions attached as to how they should spend the patrimony. And while the nation's twenty states used the money in a wide variety of ways, some of it went to aid for the indigent.[22]

More typical, however, was ad hoc disaster relief. Thus, on many occasions throughout the century Congress provided monetary grants—often supplemented by such in-kind assistance as food and supplies—to states, cities, and private citizens to relieve suffering caused by fires, floods, droughts, grasshopper infestations, cyclones, earthquakes, Indian skirmishes, and other disasters.[23]

Federal cash assistance to help the needy took other forms, especially in the post-Civil War era when among other things Congress enacted several measures to promote the education of the blind and the welfare of impoverished veterans. Because of the great expense involved in printing books for the blind, and the failure of the states to respond to that need, in 1876 the American Association of Instructors for the Blind petitioned the Congress to subsidize the American Printing House of Louisville, Kentucky, the nation's only publisher of books for the sightless. Three years later Congress established a special trust fund, consisting of U.S. bonds, the interest from which ($10,000 annually) was provided to the Printing House to help defray the cost of producing and distributing "embossed

[21] A complete listing of statehood grants in the 1880s and 1890s can be found in Mathias N. Orfield, *Federal Land Grants to the States with Special Reference to Minnesota* (Minneapolis: University of Minnesota Press, 1915), 68–70.

[22] Because there appeared to be some question as to the legality of the allotment, the funds technically were loaned to the states—with the understanding, however, that they never would have to be repaid. See Elazar, *American Partnership*, 200–216.

[23] A listing of such emergency relief appropriations to cities and states through 1916 can be found in Josephine Brown, *Public Relief, 1929–1939* (New York: Henry Holt and Co., 1940), 428. The *Annals of Congress*, the *Congressional Debates*, and the *Congressional Globe*, of course, are replete with examples of such aid. See, for example, the *Congressional Globe*, 33rd Cong., 1st sess. 1854, vol. 28, part 1, 455–456; and ibid., 1854, vol. 31 (n.s.), appendix, 550–552.

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books for the blind and [other] tangible apparatus for their instruction."[24] The fund was administered by the Treasury Department, not the Printing House, and provision was made for the secretary of the treasury to withhold distribution of the funds if the conditions set forth in the legislation were not met, including the writing of annual financial reports and the maintenance of nonprofit status.

Nine years later, Congress enacted what apparently was the first grant-in-aid in the area of welfare when it authorized on an ongoing basis aid to any state expanding its support for the aged and infirm (northern) veterans cared for in state homes. In stimulating the development of state homes for former soldiers and sailors, the federal government, of course, relieved itself of much of the expense involved in maintaining its own veterans facilities. Whatever the motivation, however, up to $100 per veteran per year was authorized, with the proviso that federal aid not constitute more than one-half the total expense involved in providing that care. A great majority of the states outside the old Confederacy availed themselves of that aid, establishing many such homes in subsequent years.[25]

Federal assistance to and involvement in state and local social efforts of one kind or another took forms other than direct aid, either in land or in cash: the national government also provided technical assistance, information, and advice that contributed to the development and effectiveness of various health, education, and welfare programs. Thus, for example, the office of the U.S. Commissioner of Education was created in 1862 and charged by Congress, among other things, with assisting state and local educators by compiling and publishing statistics, conducting research, and facilitating communication among practitioners in the field.

Then there was the federal Census Bureau, which served to stimulate programs for the handicapped by indicating the scope of dependency in the individual states. Beginning in 1830, decennial enumerations were made of the blind and the deaf; ten years later the tabulation was expanded to include the "insane and idiotic," and after 1850 the indigent were added. Beginning in 1880, the bureau published special reports concerning each of the disadvantaged groups and the benevolent institutions (including public almshouses) designed to serve them. Other federal agencies were more directly engaged in research into social problems. Thus, for example, in 1892 Congress authorized the Bureau of Labor to investigate slum conditions in the nation's largest cities, and two years later the first federal housing report appeared.[26] While it is impossible to assess the precise impact of these efforts, it is safe to assume that the data were of practical use in improving a variety of state and local services.

[24] 20 *Stat* 467, 3 March 1879.

[25] 25 *Stat* 450, 27 August 1888. For a good overview of veterans legislation, see Robert G. Bodenger, "Soldiers Bonuses: A History of Veterans' Benefits in the United States, 1776–1967," Ph.D. diss., Pennsylvania State University, 1971.

[26] See United States Bureau of Labor, *The Slums of Baltimore, Chicago, New York, and Philadelphia* (Washington, D.C.: U.S. Government Printing Office, 1894).

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As a final illustration of such indirect nineteenth-century federal involvement in matters of social welfare, there was the National Board of Health. In the 1860s and 1870s a series of yellow fever epidemics prompted municipal and state authorities to establish various public health organizations aimed at stemming the crisis. When these efforts failed and the disease swept through the Mississippi Valley in 1871–1873, killing more than 16,000 persons, a National Board of Health was created to assist the local and state bodies in the development of more effective public health measures.

While more research into this matter certainly is needed, enough evidence already exists to indicate that the concept of constitutionally and politically distinct federal, state, and local realms—each with separate responsibilities and each paying its own way—does not jibe with the realities of nineteenth century social policy and action. Similarly, the notion of negligible national involvement in social welfare cannot be reconciled with the facts of the era, for federal aid contributed substantially to the development of state and local efforts, public and private, not only in education but in the provision of care for the nation's dependent, delinquent, and so-called defective citizens. While for the most part it appears as though no explicit ideology supported such federal involvement in the nineteenth century—indeed the declaratory principles of the era overwhelmingly stressed the values of individualism and state and local actions—the federal government clearly collaborated with other governmental units and with private citizens in the promotion of these matters.

It was not accidental, therefore, that late in the century when the nation lapsed into a serious depression, causing a great deal of unemployment and hardship, many citizens looked to Washington for help. Hence in 1894, the year "General" Jacob S. Coxey of Ohio led a thousand followers in his historic march on Washington to demand a program of work relief, Congress debated the propriety of federal subsidies for road building in order to provide jobs for idle workers. A year later, Senator William Pepper of Kansas, in advocating legislation to reduce destitution throughout the nation, stated that the day was not far off when state boundaries would have to be abolished for purposes of providing public assistance to the needy; several other congressmen agreed. Labor leaders and their groups, including Samuel Gompers and the American Federation of Labor, as well as other bodies also solicited federal aid for the unemployed. It was no coincidence, then, when in 1901, a half-century before the U.S. Department of Health, Education, and Welfare was established, a committee of the National Conference of Charities and Corrections, an organization comprised of the nation's welfare experts, proposed creation in the federal government of a Bureau of Charities and Corrections to do in the field of welfare what other federal agencies—specifically the Bureau of Agriculture (created in May 1862), the Bureau of Education (created in March 1867) and the Bureau of Labor (created in June 1894)—were doing in their respective fields of interest.[27]

[27] See the *Proceedings of the National Conference of Charities and Corrections*, Washington, D.C., 1901, 112–117.

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Yet the story of the federal government's early role in the nation's social welfare system remains untold or incorrect. Indeed, except for more or less incidental treatment in the studies of some political scientists who are interested in intergovernmental relations, the subject has been neglected or misunderstood, certainly by historians, public administrators, social workers, and others. A study of how and why the federal government intervened in nineteenth-century social welfare would open up a neglected area of scholarly concern and help correct misconceptions about the extent of Washington's involvement in such matters prior to the twentieth century. By so doing, it would provide an important historical base for the ongoing debate over the nation's social welfare system, including recent proposals for its federalization. Indeed, the failure to understand the federal government's early role in the nation's welfare system may be helping to foster erroneous conclusions regarding its proper role in that matter today. Such conclusions are having drastic effects on many of today's needy citizens.

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Book Reviews

Mr. Justice Rehnquist, Judicial Activist: The Early Years *by Donald E. Boles. Ames, Iowa State University Press, 1987. 149 pp. $16.95*

Donald Boles forthrightly acknowledges that he does not care much for William Rehnquist's jurisprudence. While I join him in that sentiment, this book certainly does not make a persuasive case against the chief justice. Boles argues that Rehnquist's views were fixed early in life and continue into his term on the Supreme Court. Indeed, Boles's preface advises that this book on Rehnquist's early years is only one in a series that will later cover Rehnquist's service on the Supreme Court. But much of Boles's analysis draws on Rehnquist's decisions on the bench and the 1986 confirmation hearings on his nomination as chief justice.

It is difficult, in any case, to give much weight to Boles's complaint that Rehnquist adhered closely to his early life's views even after reaching the Court. Boles concedes that these views "were not smuggled onto the Court surreptitiously" (p. 57), since most were on the public record and were fully aired at the Senate hearings. And it is not at all unusual for many—perhaps most—justices to carry their pre-Court views into the making of constitutional doctrine. Modern social science clearly shows that such variables as party affiliation, appointing president, and ideological predisposition are closely correlated to judges' votes. And more than twenty years ago, David Danielski showed in the *Vanderbilt Law Review* that the pre-Court speeches of Louis Brandeis and Pierce Butler closely foreshadowed their positions on the Supreme Court.

The heart of Boles's complaint appears to be with the substance of Rehnquist's views. Rehnquist is characterized not as a judicial conservative, defined as one who defers to precedent and shapes changes in constitutional law only slowly, but rather as an "authoritarian activist" (p. 73) and as a "radical activist" (p. 108). Boles again reports Rehnquist's opposition to the equal rights amendment, to the judicial dismantling of segregation (in a widely known memo written during his clerkship for Justice Robert Jackson), to school busing as a remedy for de facto segregation, to an Arizona open housing ordinance, and to the extension of the equal protection clause to other than racial minorities. Rehnquist also supported

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pre-trial detention, limited martial law, army surveillance of domestic dissenters, and substantial weakening of the exclusionary rule in search and seizure cases.

Boles builds much of his case about Rehnquist's authoritarian activism within the framework established by David Shapiro in a well known analysis of the justice's votes and opinions that appeared in the 1976 *Harvard Law Review.* Shapiro showed that, faced with competing claims, Rehnquist prefers governmental power to individual rights, state authority to federal power, and federal judicial abstention to federal judicial intervention. What Boles adds to Shapiro's analysis is that Rehnquist's authoritarian preferences on the Court were fully foreshadowed by his views and actions before coming to the bench. Neither Boles's rendition of Rehnquist's conservative jurisprudence nor his recitation of Rehnquist's pre-Court record add much to the already well documented record. This book does not rest on new documents or on fresh interviews. To a very large extent it consists of quoted material from newspapers, law reviews, and congressional hearings, without much new analysis or insight. And the citation to these already well known sources is uneven.

In describing the work of the Supreme Court, Boles associates himself with Henry Steele Commager's view that "great questions of constitutional law are great not because they are complicated legal or technical questions, but because they embody issues of high policy, of public good, or of morality" (p. 27). The issue then is not that William Rehnquist is an activist, or an activist who carried his pre-Court views fully developed onto the bench. It is whether Rehnquist's views are right or wrong as a matter of "high policy, of public good, or of morality." Boles, who disagrees with Rehnquist's views, undertakes little analysis as to why Rehnquist's pre-Court views or judicial opinions are in error. Hence, Boles shoots at the wrong target. That is why this book's attack on William Rehnquist is unpersuasive.

DAVID ADAMANY
Wayne State University

Self-Reliance Versus Power Politics: The American and Indian Experiences in Building Nation States *by J. Ann Tickner. New York, Columbia University Press, 1987. 282 pp. $35.00.*

This is a good introductory exploration of selected theories of and experiences with self-reliance as a strategy (as opposed to a goal) of development. The question is an important one—how to avoid dependency in relationships in local communities as well as in relations among nations in the development process. The author conceives three types of relevant theorists: communitarians, concerned with maximizing individual self-reliance in locally circumscribed political units where equality of relations are presumed to have the greatest probability of being realized; statists, advocating the necessity of state intervention for national self-reliance through national economic growth; and stage theorists, who propose the neces-

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sity of different strategies in different historical conditions for self-reliance to be optimally manifest. In something of a mirror image, the author conceives self-reliance as a multilevel strategy of development, involving individual, national, and collective and regional self-reliance, the latter referring to Third World efforts at collective action for international resource redistribution. A chapter is devoted to each of four theorists: Jean Jacques Rousseau and Mohandas K. Gandhi—communitarians both; Friedrich List—a statist foremost, but accepting the naturalness of stages; and Thomas Jefferson—communitarian theorist cum statist actor. Unlike the book's title suggests, only a chapter each is devoted to exploring the early American (1776–1829) and the Indian (1947–1980) experiences.

Relevant observations of each of the requisite thinkers are set forth in lucid, though oftimes repetitive fashion, with apt comparisons and contrasting formulations drawn. A distinct strength of the book is the author's observation concerning the tensions between the three levels of self-reliance that are posited at the outset—tensions and contradictions both in terms of the thought of the theorists analyzed as well as in the terms of the developmental patterns exhibited in the cases examined.

The analysis, however, does not present new evidentiary materials; nor are we offered novel reinterpretations of existing theories and data. Theoretical portraits tend to be drawn in rather straightforward didactic fashion—a declarative statement followed by a relevant quotation. Statements are formulated in advocacy terms—such as Rousseau was "against economic growth" and "against social mobility" (p. 25) while being a "strong supporter of political participation and direct democracy" (p. 39). List "believed" in a number of things, and was "against" and "disliked" or "opposed" others (e.g. pp. 45–54). These modes of reference are applied also to Jefferson and Gandhi though in lesser degree. The reader is presented with two-dimensional descriptive portrayals rather than three-dimensional analyses of meaning and consequence. Things of value also go unattended. A few brief examples. For all his commitment to decentralization, Gandhi's greatest achievement was the creation of national symbols and bonds that transcended the multitude of local commitments of which the Indian political community at the time of his political entry was composed. With the exception of the famed Salt March, the most successful, of course, were localized and confined largely to a narrow caste stratum. But they were employed to attract and focus at once the attention of a transcendent legal authority—the British Raj—and a transcendent moral authority in the making—India. The stakes and the purposes were national. Gandhi's strategy with respect to untouchability attracted dramatic and profound resistance from leaders within the untouchable community itself, notably B. D. Ambedkar, father of the Indian constitution, who saw in a decentralized system of communities with untouchables coopted into the organic caste Hindu society of Gandhi's vision a recipe for a new form of institutionalized social depression and inequality. Collective resistance in a strong reformist state has appeared to constitute the condition for undoing historic and pervasive inequalities and providing in a limited

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number of cases the wherewithal for self-reliance in "small is beautiful" social localities.

Though these and other reservations are serious ones, they do not detract from the significance of the problem addressed in this book. The problem constitutes one of *the* central issues in developing understanding of the political economy of development.

RICHARD SISSON
University of California, Los Angeles

Appointment of Judges: The Johnson Presidency *by Neil D. McFeeley. Austin, University of Texas Press, 1987. 199 pp. $22.50*

This study comprises a carefully and comprehensively researched analysis of the judicial appointments of President Lyndon B. Johnson. Neil D. McFeeley earned his J.D. at Duke University Law School and his Ph.D. in Political Science at the University of Texas at Austin. Utilizing the archival resources of the Lyndon Baines Johnson Library, as well as extensive correspondence with judicial candidates; Supreme Court members; senators; party, Justice Department, and American Bar Association officials, McFeeley developed a factually sound and analytically challenging research project. This book reflects his major commitment to this task.

In his introduction, McFeeley treats a number of factors previously identified by modern scholars of federal judicial recruitment such as those discussed in Harold Chase's *Federal Judges: The Appointing Process.* McFeeley's book has a broader base for analysis than many previous investigations because of his access to White House files as well as Justice Department records, oral histories, and interviews. Indeed, McFeeley accurately identifies a "subpresidency for judicial selection" consisting not only of the key Justice Department officials and White House officials (and documents) noted above, but the president, the American Bar Association Committee on the Federal Judiciary, and a "merit search" endeavor headed by Civil Service Commission Chairman John W. Macy, Jr. This subpresidency changed in terms of some of its personnel and its mission, as the objectives of President Johnson changed during his years in the presidency. Thus, McFeeley not only made excellent use of an unusually broad variety of documentary and personnel sources, he also traced changes in presidential appointment emphasis as well. Particularly important among the changes was the assumption of significant influence by 1965 of Marvin Watson at a time when President Johnson became less tolerant (to understate) of criticism, more insistent upon loyalty to his goals, and ultimately, insistent upon "agreement upon Vietnam policy from all appointees."

The book is organized in eight substantive chapters plus an appendix summarizing a few characteristics of the Johnson Supreme Court, special courts, courts of appeal, and district court judges and justices—notably age at appointment, party, religion, and law school. The introduction includes discussion of the sig-

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nificance of judicial appointments, their role, (especially in Johnson's first race for the House of Representatives during F.D. Roosevelt's Court-packing fight), and the variety of approaches to the study of such appointments that preceded McFeeley's treatment of the Johnson presidency. Chapter 2 comprises a brief and balanced treatment of historical developments relating to federal judicial appointments from 1787 in the Philadelphia Convention to the Kennedy administration. Chapter 3 provides a valuable investigation of judicial selection during the presidential transition suddenly thrust upon Johnson by the tragic assassination of President Kennedy. The fourth chapter describes the Johnson judicial appointments process developed after the President was elected in his own right in 1964. Related to this personal style of selection is the detailed examination of the criteria of choice in Chapter 5. The significance of the application of these standards is illustrated by a number of informative case studies in Chapter 6. Chapter 7 is an especially important treatment of Johnson's last year in the presidency, the resignation of Chief Justice Earl Warren, the ill-fated nominations of Abe Fortas and Homer Thornberry, and the transition to the Nixon presidency. Chapter 8 provides an analytical conclusion. McFeeley's study of the judicial appointments of the Lyndon Johnson presidency is a substantial contribution of impeccable scholarship and balanced analysis.

JOHN R. SCHMIDHAUSER
University of Southern California

Libel and the First Amendment: Legal History and Practice in Print and Broadcasting *by Richard Labunski. New Brunswick, N.J., Transaction Books, 1987. 251 pp. $29.95.*

Libel suits and their companion invasion-of-privacy actions are for obvious reasons of intense interest to the institutional press, broadcast as well as print, and its workers. As a result, perhaps too much is published on the subject, and it is hard for any writing to make much of an incremental contribution. Labunski's book is competent and reasonably accurate. It discusses the cases that need to be discussed and will, therefore, be useful in presenting information to people who have not read much in the field. But I believe the book is aimed primarily at people in the business. For a handbook on the law, however, Robert Sack's study for the Practicing Law Institute is much better. For a recent detailed account of the famous two trials brought by General William Westmoreland against CBS and General Ariel Sharon against *Time* magazine, Renata Adler's account, *Reckless Disregard*, is incomparably superior as a study of the limits of the protection actually afforded the press by the rule of *New York Times v. Sullivan*, in real litigation, even when brought by public officials or public figures.

Labunski is very much on the side of the press in the debate over the balance between the right not to have one's reputation falsely damaged, and the constitu-

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tional freedom of the press to publish what it wants, in accordance with its obligation protected by the First Amendment to inform the public and contribute to a "debate on public issues [that should be] uninhibited, robust, and wide-open," as the *Sullivan* rule says. The key to the balance that the Court has developed is the distinction between the burden put on private-figure plaintiffs as against public-figure plaintiffs in libel suits. The Supreme Court's 1974 decision in *Gertz v. Welsh* made that move, and I think I am correct in reading Labunski (see chap. 5) as believing that *Gertz* and its progeny seriously endanger proper journalistic behavior. "The Supreme Court took from 1964 [the date of *Sullivan*] to 1971 to establish standards protective of the First Amendment," but "only five years, from 1974 to 1979, to embark on a campaign to make it easier for those unhappy with the way they have been treated in the media to sue," thereby showing an "unashamed hostility to the first Amendment claims of journalists" (p. 174). Journalists (Labunski has been one) are no doubt delighted with such analysis, but my own view is that it is greatly oversimplified. As Adler's *Reckless Disregard* demonstrates, the problem lies in the costs of litigation, even where the *Sullivan* test applies with full force. It also, sometimes at least, as in the Westmoreland and Sharon cases, lies with the journalistic practices being defended.

Labunski's last chapter, entitled "Getting Out of the Libel Morass," does have suggestions for corrective actions, some of which are clearly within the power of the legislatures. They include both substantive adjustments to the law of libel, through such means as limitations on punitive damages and retraction statutes, and procedural adaptations, by firmer judicial control on discovery and more extensive use of summary judgment in defamation suits, although this last possibility has been somewhat discouraged by remarks in Supreme Court opinions. Mention is also made of experimentation with consensual arbitration (p. 232), an approach that has received some public blessing from Judge Pierre Leval, who tried the Westmoreland case, and of careful sorting out of issues for the jury in jury trials, an approach followed by former Judge Abraham Sofaer, who presided in the Sharon trial. None of this is new, but it is at least pulled together in a very readable book. There is also a special chapter on broadcasting, which includes discussion of some nondefamation problems peculiar to that press technology (pp. 210–214).

BURKE MARSHALL
Yale Law School

In Pursuit of Reason: The Life of Thomas Jefferson *by Noble E. Cunningham, Jr. Baton Rouge, Louisiana State University Press, 1987. 414 pp. $24.95.*

Noble Cunningham's new biography fills a niche in the vast and ever-expanding Thomas Jefferson bibliography. The staggering scope of this literature is itself the best justification for this balanced, well-rounded life of the third President. *In*

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Pursuit of Reason "is designed to bridge the gap between [the general reading public and] the world of scholarship" (p. xiv); the result is the most accessible and reliable single-volume life of Jefferson now available.

Yet if Cunningham's biography is a model of concision and compression, it does little to penetrate the mysteries of Jefferson's elusive character. Cunningham calls Jefferson a "man of the Enlightenment" (p. xv) and invokes his faith in the "sufficiency of human reason for the care of human affairs" (p. 133) as the key to his career. The characterization works best during the heady days of the revolutionary crisis, when the young author of the Declaration of Independence rushed home to Virginia to promote the cause of republican reform. His statute for religious freedom, "introduced as part of the revisal of the laws in 1779" was indeed "a bold assertion of the sovereignty of reason" (p. 55). Of course, the American people—or at least their representatives—were not always as reasonable as Jefferson might have wished: the religious freedom statute languished until James Madison pushed it through in 1786. But Jefferson's faith was periodically renewed by the electorate, particularly after the Revolution of 1800 that lifted him to the presidency. And throughout his career he made strenuous, if generally futile efforts to promote the cause of reason through public education. His ultimate success in founding the University of Virginia, one of his most cherished achievements, "showed that his faith in the pursuit of reason that had guided his life" still "sustained him in his final days" (p. 349).

But how does Jefferson's faith in reason illuminate his character or career? The familiar problem of Jefferson's slaveholding brings these questions to the fore. Cunningham does not suppress any of the important evidence. Notwithstanding his advocacy of gradual emancipation in his *Notes on the State of Virginia*, Jefferson never exercised any public leadership in opposing the institution. Indeed he was reluctant to publish the *Notes* because he was afraid his comments on the institution would "produce an irritation . . . and thus do more harm than good" (p. 94). Even in his retirement, Jefferson would not accept the "challenge proffered by young Edward Coles "to provide public leadership" in the antislavery cause (p. 348). Jefferson never overcame his belief in the racial inferiority of blacks, and slavery did after all sustain "Jefferson's comfortable lifestyle" (p. 196). Nonetheless, Cunningham insists, "he never wavered in his"—eminently enlightened and reasonable—"conviction that slavery was an evil that must be extinguished" (p. 63). But this was the sort of conviction, if it was one, that anti-Jeffersonians have always treated with contempt. To borrow the words of Federalist Robert Goodloe Harper, it was one of those "visionary theories of the closet, which experience constantly contradicts" (p. 202). In fact, Jefferson's major contribution to the emergent slavery controversy was to provide a constitutional rationale for nullification and secession in the Kentucky Resolutions. There was no question about his sectional loyalties in the Missouri controversy: one of his arguments for the founding of a university in Virginia was to keep Virginia boys from going to Harvard and "learning the lessons of anti-Missourianism" (p. 342).

Jefferson's putative devotion to the pursuit of reason obscures more than it ex-

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plains. Cunningham concedes that reason did not always provide answers to every specific problem, but asserts that "on fundamental questions it served him well" (p. 319). Yet, even if we except slavery from our list of such questions, it is not clear how exactly reason *did* serve him so well. In the event, reason plays a sporadic role at best in Cunningham's accounts of Jefferson as politician and administrator—by far the strongest parts of this book.

We should be grateful for a good life of Jefferson, even if the life remains unexplained. In fact, Cunningham's invocation of reason is more rhetorical flourish than interpretative scheme and does not seriously interfere with the narrative. But we may nonetheless regret that Cunningham has forfeited such an excellent opportunity to get beyond Jefferson's flattering self-image and locate his subject more persuasively in his time and place. The key to Jefferson's character will only be found by reconstructing the world that shaped him and that he shaped, not by uncovering the secrets of his still mysterious private life or by celebrating his faith in timeless, transcendent, enlightened principles.

PETER S. ONUF
Southern Methodist University

The Forging of the Union, 1781–1789 *by Richard B. Morris. New York, Harper & Row, 1987. 416 pp. $22.95.*

Astonishing as it may seem, Andrew C. McLaughlin's *The Confederation and the Constitution, 1783–1789*, published in 1905 as a volume in the original *American Nation Series*, has long continued to be regarded by historians of the American Revolutionary era as the best short narrative history of the Confederation period of American history. While much more provocative, subsequent narratives by Merrell Jensen—*The Articles of Confederation* (1905) and *The New Nation* (1950)—and Forrest McDonald—*E Pluribus Unum* (1965)—lacked McLaughlin's judicious balance and, therefore, failed to command the broad acceptance of his work. With the volume here reviewed, Richard B. Morris, one of the leading figures among early Americanists trained by McLaughlin's generation, has at last produced a volume for *The New American Nation Series* that seems likely to supplant McLaughlin as the standard narrative of the Confederation years.

Never one to strain for novelty or to squeeze historical complexities into a simple thesis, Morris, as we have come to expect, has produced a sober, judicious, and thorough account of the establishment of the American republic, one that gains its authority from the author's own deep learning in the period, which he has been studying for more than half a century, and his remarkable mastery of a vast secondary literature, including works published as recently as 1986. Beginning with a broad survey of American society during the last quarter of the eighteenth century, Morris subscribes to a cautious variant of the American exceptionalist thesis,

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rejecting the contention of some historians that continental British America resembled a European-style "*ancien regime*" (p. 10). Although he does not minimize the inegalitarian character of a social order that was so heavily slave and so committed to male domination, he emphasizes the weakness of the deferential ideal in American public life, the extensiveness of economic opportunity for free people, the porousness of social barriers among the free population, and the liberalizing effects of the Revolution upon slavery in those states in which it was economically marginal and in political and religious life throughout the union.

Morris also displays a profound appreciation of the achievements of American political leadership. Informed throughout by a vivid sense of the problematic character of both the American union and the American experiment in republicanism during the 1780s, Morris clearly admires the founders' "creative" pragmatism, their "audacious initiatives," and their ability to compromise in the quest to overcome the "seemingly intractable problems" that had to be resolved in order "to forge a union, preserve the states, and guarantee the people's liberties" (p. xii). Yet, he does not regard their accomplishment in 1787–1788 as a miracle. Rather, he stresses the great extent to which it was built on the "lessons drawn from the operations of the states as colonies, on the precedents provided by the state constitutions, and on the obvious examples of the inadequacies of the Articles of Confederation" (p. 267). If the "great innovative feature of the American Revolution was the doctrine of constitutionalism" (p. 114), that doctrine, in Morris's view, was already well established by the process of constitution making as it had taken shape at the state level beginning in 1776.

Nor does Morris exaggerate the founders' accomplishments. One of the virtues of the volume is its acute understanding of the practical and ideological limits within which Revolutionary leaders operated and of the many unresolved problems that remained in the wake of the Revolution and the Constitution. The one unpersuasive note in the volume is the author's vigorous subscription to the so-called nationalist interpretation of the formation of the federal union, an interpretation that conveniently ignores the precedence of the states as independent and quite ancient corporate entities, which scarcely forfeited their existence by sending delegates to the Continental Congress.

JACK P. GREENE
The Johns Hopkins University

The Modern Presidency: From Roosevelt to Reagan *edited by Malcolm Shaw. New York, Harper and Row, 1987. 317 pp. $27.50.*

This collection examines and confirms the familiar thesis that Franklin D. Roosevelt gave birth to the modern presidency. The Roosevelt administration did indeed change the character of the American presidency. Justification for a book of this

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sort is found in the fact that there "has been little extended analysis of the substance and significance of the changes" (p. 2) that have occurred within the institution in the last half-century. The rationale is somewhat overstated, but there certainly is a distinct advantage in placing between two covers extended analysis of various aspects of presidential development since 1933.

Seven authors, including one American and six British political scientists, have contributed carefully coordinated essays to this collection, which seeks to distinguish the modern from the traditional presidency. The chapters largely satisfy these twin ambitions. Richard Hodder-Williams provides a useful commentary on the expansion of the president's constitutional power. The late John D. Lees contributes a fine chapter on the president's relations with his party. David Mervin discusses the relations between the presidency and Congress; Robert Williams examines the executive branch, and John Hart looks at the president's staff; Phil Williams is concerned with the presidency's role in the conduct of foreign policy; and Malcolm Shaw, the lone American writer, provides an introduction and a good summary chapter that both distinguishes the traditional and modern presidencies and includes a strong postscript on Irangate.

In spite of the general theme of this volume, it is not necessarily the case that all ground-breaking changes in the presidency should be credited to Roosevelt. It is true, of course, as Robert Williams states, that "Roosevelt rebuilt the executive branch in his own image" (p. 271). On the other hand, FDR's contributions to the president's role as chief legislator should be measured more by his extensive legislative activity than by innovative techniques. As David Mervin observes in a perceptive essay, Woodrow Wilson introduced methods that Roosevelt adopted with great success (p. 88).

The book is perhaps more interesting and useful in its discussion of the changes that have occurred within the modern presidency. Phil Williams justly characterizes the modern presidency as a "foreign policy presidency" (p. 206). Indeed, it has been estimated that the field of foreign relations occupies perhaps 50 percent of the president's time. This is principally attributable to the expanded presidential role in the diplomatic and military affairs of the United States. But as Richard Hodder-Williams states, this role strains the fabric of the Constitution. It does more than this; the presidential exercise of the war making power and his monopoly of foreign affairs powers cannot be reconciled with either the Framers' views or the language of constitutional provisions.

What accounts for this great breach of constitutional principles? Hodder-Williams has rightly ascribed culpability to all three branches of government. Congress has acquiesced in the face of presidential usurpation of power, and the Court has "artfully" employed the Constitution in order to "buttress consecutive President's positions" (p. 29). The author, apparently, fails to realize that this is a description of the enfeebled state of the doctrine of checks and balances in the realm of foreign policy making. One would have expected a stronger reaction to the subvention of constitutionalism. While one can quarrel with aspects of this book,

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there is in fact much in it to commend. Teachers of the presidency should give it careful consideration for adoption purposes.

DAVID GRAY ADLER
Idaho State University

The Dissolving Alliance: The United States and the Future of Europe *edited by Richard L. Rubenstein. New York, Paragon House, 1987. 190 pp. Cloth, $22.95; paper, $12.95.*

This book is a collection of papers presented at a conference on The Fifth Decade of "Peace" in Europe that was sponsored in 1986 by the Washington Institute for Values in Public Policy. If there is a unifying thread running through these essays, it may perhaps be found in the quotation marks around the word "peace." According to the editor's introductory paper, it is a "cold peace," based on a de facto settlement marked by "extraordinary tension and the overhanging threat of nuclear war" for more than forty years. This settlement "shows signs of beginning to come apart," mainly on account of the "unnatural and inherently unstable" division of Germany and Europe. An unforeseeable new structure could evolve over some decades, or else a "catastrophic explosion of the conflicts underlying the present settlement could suddenly erupt, thrusting Europe and the world into a period of chaos and war" (p. ix).

While in general there is much to be said for providing timely warning of impending disaster, one would normally expect the viewer to explain with alarm the precise nature of the threat. The lack of a credible explanation gives much of this book an air of unreality. If it weren't for the copyright date—1987—one might be tempted to infer from some of the essays that Joseph Stalin was still alive and that the Red Army was about to sweep across the Elbe River to the Atlantic. Granted the brutality of the Soviet takeover of East Europe in the 1940s and the oppressive nature of the regimes that the Russians installed there, it does not necessarily follow that further expansionist moves are around the corner. Nor does the present carefully-controlled military confrontation, despite all the political and strategic problems that it poses, justify the fear that "the Russians are coming." In fact, it makes sure that they are not.

Speaking of the Russians, there is little or no reference in this book to the momentous changes in outlook and policy that have occurred in the Soviet Union over the past three years. Mikhail Gorbachev is hardly mentioned. The Russians for the most part are treated as a looming, dehumanized threat, and with few exceptions (notably the excellent essay by P. Edward Haley), little is said to suggest that both sides of the East-West equation have interests that will need to be addressed in dealing with European problems. As Haley points out, quoting William Hyland, "The only conceivable long-term resolution of the East-West struggle

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is Soviet accommodation with a permanently adverse balance of power" (p. 136). Small wonder that a controlled standoff in Central Europe has so far proved to be the more practical arrangement. It is all the more important to acknowledge the remarkable success of a western alliance that has deterred threats to the peace and maintained stable security and unequaled prosperity in the West for two score years.

In commenting on a collection of symposium papers, the reviewer is bound to generalize. There are thoughtful and serious papers in this lot—for example, by Peter van den Dungen on the nuclear debate and by Armand Clesse on United States nuclear arms and European security. There are others—notably the one by Morton A. Kaplan—that are merely disappointing. The paper by Zdzislaw M. Rurarz on the economic consequences of Soviet domination in Poland is interesting but quite irrelevant to the purported common theme of the book. The paper by Gordon Bjork on the economic consequences of European peace is only marginally less so. Most of the other papers are less than inspiring. The general quality of editing and typography is irritatingly low. So important a subject surely deserves better treatment.

GEORGE L. SHERRY
Occidental College

Reagan, Thatcher and the Politics of Decline *by Joel Krieger. New York, Oxford University Press, 1987. 247 pp. $29.95.*

Joel Krieger has written a brave book. In spite of the dangers in writing so close to the events, he tries to locate the Thatcher and Reagan governments in a broader canvas. Perhaps inevitably, the book at times falls uneasily between being a comparative case study and separate studies of the countries. Krieger's argument is that British and American politics had reached a dead end by the end of the 1970s. In both countries the established public philosophy, set of policy prescriptions, and electoral coalitions were breaking down. In large part this was because of their sustained relative economic decline and loss of international influence. (In the case of Britain, of course, both features were of longer standing).

Keynesianism and economic growth were the means of appeasing class tensions in both countries. In Britain it was the postwar consensus of the mixed state and policies of social democracy (regardless of which party was in office) that declined. In the United States it was the New Deal-Great Society programs at home and liberal internationalism abroad that weakened. The sheer bankruptcy of the Callaghan government when confronted by labor unrest in 1979 and the fumbling Carter presidency were dramatic illustrations of the weakening of those traditions. Krieger's criticisms of the old consensus echo many themes of the New Right; Krieger chooses to make his criticisms from the left.

In their place there developed a more self-confident radical conservatism. Margaret

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Thatcher and Ronald Reagan were the beneficiaries of decline, as well as creators of new paths. The new vocabulary preached the virtue of the free market, tax reforms, privatization/deregulation, stronger military defense, and protection of traditional family life. Both leaders have also wanted to give the state a greater autonomy vis-à-vis various lobbies. If Thatcher offends the "One-Nation" paternalist Conservatives, who ruled the party for the previous century, so Reagan offends the old Taft Republicans, who were wedded to fiscal rectitude and isolation.

Krieger's strength is that he picks his way surely through so many of the threads of the Anglo-American New Right and of their popular appeal. He is particularly good in dealing with questions of political economy and the moralistic basis of Reaganism. He shows how both combined economic liberalism with authoritarianism on social issues. In their moral crusades on matters like abortion, school prayers, or homosexuality, the American New Right has not been sympathetic to free choice.

Yet he might have made more of the differences. For all the mutual admiration of the two leaders, Krieger should have emphasized Thatcher's disapproval of Reagan's fiscal irresponsibility. In Britain the Moral Majority has had little impact. In January 1988 many conservative ministers, including Thatcher, actually voted against a bill designed to tighten controls on abortion.

Krieger does not disguise his hostility to the political strategies employed by Reagan and Thatcher to consolidate themselves. (It is nonsense, however, to accept a liberal newspaper's 1985 judgment that Thatcherism is "government by lethargy and conflict.") They have created constituencies of "winners" and marginalized "losers." This is a provocative study of politics in progress.

DENNIS KAVANAGH
Nottingham University

From Crisis to Complacency? Shaping Public Policy in Britain *by Brian W. Hogwood. New York, Oxford University Press, 1987. 264 pp. Cloth, $45; paper, $17.95.*

At the outset of this book, Brian Hogwood poses a question he's not very interested in. The question, embodied in the book's title, is whether the British policy-making process responds to social crises and fails to provide long-term solutions. The answer, of course, is yes and no: the decision-making machinery of British government is affected by public crises, as it is by a host of other factors. What is worrying is how "government is often ignorant about the impact of its policies" (p. 243). This means that while the ebb and flow of crisis does not unduly determine policy, rigorous evaluation has even less impact on policy—making it *appear* as if British public policy lurches from one crisis to the next.

Hogwood's real subject is policy making as a process—a familiar enough theme,

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but rarely applied to Britain. The book does an almost exhaustive job of tracing the bureaucratic rules and institutional linkages that guide policy in Britain from inception to impact. These rules and linkages process policy in stages: from agenda-setting, to the selection and legitimation of the policy option, to the allocation of resources to policy, to the implementation and adjudication of policy, and finally to the impact of policy. Since the impact of policy sets the policy agenda, the whole process is cyclical.

The book is very well organized. But what does it tell us about the politics of British policy making? Mostly, it describes in great detail how policy is processed at the stages identified above. Along the way, we learn that Britain has a centralized polity, cabinets that rarely set policy, increasingly important courts, few large-scale policy experiments, and a House of Lords that has more effect on legislation than a House of Commons.

One of the best passages concerns the role of consultation in the formulation and implementation of public policy. Here the author distinguishes between four types of consultative practices: refereed, corporatist, government-as-negotiator, and cosmetic. When government referees, it simply facilitates bargaining between competing interest groups, such as business rivals. Corporatism, as practiced by Labour governments in the 1960s and 1970s, has peak organizations and government sharing the responsibilities of policy making equally. Government by negotiation consists of interest groups involved in a policy process whose rules are drawn up by the government. Cosmetic consultation "may take on the quality of a ritual incantation," done for purposes of publicity (p. 53).

These distinctions are useful, because, as the author notes, consultation is "a pervasive (though not universal) feature of the policy process in Britain" (p. 48). Indeed, many consultative practices have survived and even blossomed under the Thatcher government, as the remarkable expansion of the tripartite Manpower Services Commission during the mid-1980s testifies. The persistence of consultation in recent years underscores the argument that Thatcherism has pursued its aims pragmatically—at least in terms of statecraft.

From Crisis to Complacency is a work for specialists concerned with British public policy. It details the rules and linkages that shape the process of decision making, but has relatively little to say about British politics, or politics in general.

KENT WORCESTER
Columbia University

Taking Japan Seriously: A Confucian Perspective on Leading Economic Issues *by Ronald Dore. Stanford, Calif., Stanford University Press, 1987. 264 pp. Cloth, $35.00; paper, $11.95.*

Among the many books that have lately appeared claiming to reveal the secrets of Japan's industrial success, Dore's is unique in its emphasis on the relationship between moral principles and the institutional forms industry takes. Having dealt

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with the details of the Japanese system elsewhere, in this book the author uses the Japanese *Wirtschaftswunder* primarily as a moral paradigm with which to indict the myopia of the British and American economies. Throughout his book, Dore tries to find (or create) analogies to his Japanese paradigm that can help to bring western firms back "on line." Take-overs, high dividends, trade-union *machismo*, unilateral leadership styles, inefficiency, and unfairness all come in for a beating. In contrast to Adam Smith, who pooh-poohed the baker's benevolence, Dore maintains that his Japanese paradigm proves the importance of benevolence and a "sense of fairness" for efficiency (if not in the allocative sense of the word, at least in the sense of actually getting things done).

The book is built around the contrast between two corporation models. The Company Law Model (the classical western type) defines the company as the property of the shareholders. In companies of this sort, labor-management relations are based on low levels of trust. Remuneration rests on the principle of equal pay for equal work. The Community Model (typical of the upper tier of Japanese industry) defines the company as a social unit made up of members who work in (not just for) it. Such firms are based on high trust and "equal shares in the fruits of shared effort" principle of fairness. Dore sees signs that the British economy already is moving willy-nilly in the direction of the Community Model and offers a number of suggestions for speeding up the process. In general, he would increase the rights and satisfactions of the employees at the expense of shareholders. More specifically, he proposes the establishment of an incomes policy, Fairness Councils (to determine the distribution of rewards within the firm), and a combined system of guaranteed annual incomes, low minimum wages, and a public ownership fund (which in 72 years might acquire as much as three-quarters of the national wealth)—the latter, obviously *not* being a lesson that Japan itself has taught us. Dore recommends the continued democratization of British higher education and restrictions on the liquidity (flight potential) of capital. To limit horizontal or spiral mobility and thereby build up the technological know-how of British firms, Dore puts forward a detailed "employee loan insurance scheme" whereby government loads would be used to train and retrain employees. As long as the employee stays with the firm, the firm itself would be responsible for the repayment of the loan. If the employee is hired by another company, the new employer would take over repayment. By following these proposals, Dore hopes the western firm can accomplish what the large Japanese firm has achieved with its systems of permanent employment, age-based pay scales, and mutual loyalty.

Dore argues that the perceived fairness of the Japanese economy more than compensates for its inherent rigidities and allocative inefficiencies. By showing that fairness *counts* and unfairness *costs*, he overcomes the chasms that often separate the cultural, economic, and institutional approaches to industrial sociology. After this brilliant performance, Dore might try to develop additional moral principles and practical strategies to help relax the international tensions caused by the economic nationalism of his Japanese model.

WINSTON DAVIS
Southwestern University

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Democratizing Japan: The Allied Occupation *edited by Robert E. Ward and Sakamoto Yoshikazu. Honolulu, University of Hawaii Press, 1987. 456 pp. $31.00.*

Law and Change in Postwar Japan *by Frank K. Upham. Cambridge, Mass., Harvard University Press, 1987. 269 pp. $25.00.*

It is about time for a new book on the Allied occupation of Japan. While this is a welcome volume, it is more of an update of what we know than a report of new research. The articles by Americans of the occupation generation—Robert Ward on presurrender planning, Theodore McNelly on the constitution, Hans Baerwald on the Diet, and Kurt Steiner on the civil code—are all very solid pieces, but one wishes that all had been required to follow Steiner's lead and add a final section entitled "In Retrospect." The perspective of each of these articles is from inside the occupation; there is a lively sense of American planning and bureaucratic politics but less of a sense of Japanese politics.

The articles by Japanese and younger American scholars provide more that is new to American readers. Tanaka Hideo's analysis of the Japanese legal system as a reason why the Japanese failed to realize how much they would be expected to change their constitution and T.J. Pempel's analysis of American concepts of bureaucracy as a reason why more significant reform of the bureaucracy was not undertaken provide examples of how crossnational misunderstandings affected the occupation. Amakawa Akira's treatment of the reform of local government demonstrates the effect of Japanese bureaucratic resistance to American goals. The best article is Susan Pharr's analysis of the most surprising of the occupation's reforms: women's rights. We not only get an interesting case of politics policy making under bizarre circumstances but also a bit of a detective story as she searches for the policy initiators.

The last four substantive chapters are very helpful additions to the English literature by Japanese scholars. The newest information comes from Ota Masahide's analysis of the treatment of Okinawa during the occupation. Uchida Kenzo traces the evolution of the conservative parties during the hectic first two years after the war, and Takemae Eiji does the same for the progressive parties. Finally, Otake Hideo traces the early efforts to get big business organized under the occupation focusing on managerial councils. This volume is a very helpful addition to the literature and many of these chapters should find their way into syllabi for courses in Japanese history and politics.

Frank Upham has provided us with a new and provocative model of Japanese policy making. We are used to hearing about "consensus decision making" as some sort of inscrutable process that can only be practiced by ethnic Japanese. Here we have a model that purports to explain how and why the Japanese practice consensus decision making. We are used to being told either that the Japanese government is extremely powerful and effective or that it is hopelessly weak and ineffective. Here we have a model that purports to explain what the Japanese government can and cannot do.

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The basic model pictures Japan dominated by a consensus and the government implementing policy through informal means. When a group complains, the first response is an appeal to the consensus. But if this fails, "The response of the Japanese government to conflict that threatens its mode of governance is to reestablish informality . . . and thereby reassert influence . . ." (p. 25). The first step is to give in on the substantive demands of the group. If necessary, new structures are set up to direct future complaints away from the courts and public demonstrations toward bureaucratic agencies and mediation. Upham uses his model to analyze four cases of conflict in postwar Japan: environmental pollution, the struggle for the liberation of Burakumin (the ex-untouchables of the Tokugawa era), equal employment opportunity for women, and industrial policy. The model works well to explain why the protesters both seem to win and to lose. They have their demands met but also return to quiescence.

The model is fascinating and, I believe, has wider applications. There are, however, two problems. First, why does the Japanese government operate this way? Upham's explanation lies in the interest of the bureaucracy in avoiding increased use of the courts. While this helps explain the kinds of policies used to respond to the protest, it does not explain why the government does not ignore or suppress the protest. I would argue that rather than a subtle plan for maintaining control the bureaucracy is forced into such maneuvers by its weakness. I would also suggest that politicians have as much to do with the promotion of mediation and the avoidance of conflict as the bureaucracy. The second problem concerns the evaluation of this process. The author sees this process as a way of maintaining bureaucratic power, but one cannot ignore the fact that the protesters' demands are met.

Even with its faults this book deserves wide readership. This model deserves further testing and elaboration, and more effort should be focused on evaluating this kind of consensus decision making.

STEVEN R. REED
University of Alabama

The Power of Ideology: The Quest for Technological Autonomy in Argentina and Brazil *by Emanuel Adler. Berkeley, University of California Press, 1987. 398 pp. $45.00.*

Ideology "is the collective understanding of individuals who, being conscious of each other's roles, beliefs, expectations, and purposes, offer strategies for action or solutions to problems that can be used to change reality" (p. 17). Ideology is something other than a mere product of the mind and other than a justification to hide the clash of interests. "The power of ideology lies in its ability to make things happen when they might not have otherwise. . . . Ideology tells actors what the goal is, how to seek it, and how important it is compared to other goals" (p. 328).

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Adler argues that ideologies and institutions best explain the pattern of development of science and technology in Argentina and in Brazil. An ideological consensus on the need to reduce dependency motivated and guided Brazilian elites to successfully formulate comprehensive general science and technology policies and also policies toward the computer sector. In contrast, in Argentina competing ideologies and institutions prevented the successful development of such policies. Adler also examines the development of the nuclear energy industry; in this case the ideology of dependency reduction worked effectively in Argentina but not in Brazil.

The key antidependency ideas were formulated by pragmatic intellectuals and scientists. Acting as "guerrillas" partly disguising their views, they recruited policy makers, created or captured the decisive institutions, and subverted official reliance on "mere" market policies. This book pays tribute to the efficacy of scientists as politicians. Their views prevailed in the three most successful cases—Brazil's general science and technology policy, Brazil's computer policy, and Argentina's nuclear energy policy.

Several competing hypotheses are rejected. Ideas are not fixed in the culture; they can change and they can foster change. Moreover, arguments based on the nature of international economic structures or of international dependency cannot explain why or how Brazil successfully took on the giants of international high technology to build its own computer industry, though such structures help to explain Argentina's failure. Adler also argues that the extent of state intervention in each economy is an insufficient explanation; both countries' governments had comparably statist proclivities. Nor did the magic of the market create Brazil's computer industry— a child of government nurturing of state and private firms— though government concern for market efficiency helps to explain the demise in the 1970s of Argentina's embryonic computer industry. Finally, the relative excellence of the scientific community cannot explain why Argentina lagged behind Brazil (except in nuclear energy).

However, Adler neglects to consider systematically two other explanations. One is that patterns of economic growth explain much about the patterns of scientific and technological change. In the 1970s Brazil's economic boom gave it the resources to foster its science and technology. Argentina's experience in those years was much less favorable. Adler is all too willing to explain economic patterns as responses to changes in the legal regimes, when swings of the business cycle might explain them better.

Domestic politics is also partly neglected as an explanation. Argentina failed to develop consistent science and technology policies in the 1960s and 1970s because of its high political instability; Brazil had a stable authoritarian regime for most of that time. The difference between the two countries was not that one had the right ideology, and the other the wrong ideology, but that the pragmatic dependency reduction ideology won in Brazil. To be fair to Adler, his nuclear energy cases show that Brazil's policy consensus did not cover this sector, while in Argen-

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tina one institution isolated itself enough from politics to develop the country's nuclear industry. But one case is not enough to build Adler's sweeping argument.

This admirably researched book will help to reorder our thinking with regard to the capacity of smart people to change the course of national policy, even given structures, situations, and moments that seem inhospitable to bold innovation.

JORGE I. DOMÍNGUEZ
Harvard University

U.S. Policy and Regional Security in Central America *by Edward Best. New York, St. Martin's Press, 1987. 182 pp. $32.50.*

The conflicts in Central America, particularly the Nicaraguan revolution, have prompted the publication of a number of works on the region, the majority of which tend to be unbalanced or ideologically slanted in one direction or the other. The lack of thoughtful objectivity has severely undermined the strength and lessened the value of these works. Edward Best, however, has presented a thoughtful, concise, well-written analysis of the Central American conflicts and of United States policy in the area.

Best first examines the history of the region and the origins and development of U.S. policy over time. This analysis is especially valuable because Best emphasizes the complexities of conflicting issues involved and the extreme difficulties in constructing a coherent, sensible, workable foreign policy. The author then presents a cautious analysis of the Reagan administration's Central American policy, with a focus on Nicaragua's Sandinista revolution. Best presents three U.S. policy options: direct military intervention in the form of either a U.S. invasion or a collective security action, containment (with less emphasis on Nicaragua's internal goings on), or a negotiated settlement. Best hands us a balanced analysis of the strengths and weaknesses of each alternative. He favors a regional settlement with an effective security arrangement and carefully questions the value of and potential in the U.S. policy of funding the opposing contras.

The most unavoidable and most far-reaching challenge for the United States in the region in the event of a negotiated settlement, according to Best, would be that of Cuba. Indeed, if a durable stability is to be accomplished, the United States will have to find new approaches to deal with Cuba's role in Central America. Best believes that the "Cuban problem" would best be solved, or at least improved, under the negotiated settlement option.

The author poses important questions concerning the necessity of limits on and worthy objectives for U.S. Central American policy, the consequences of and the potential for the use of force, the reliability of the Sandinistas to honor their peace commitments, the role of the Soviet Union, and the possibilities of a negotiated settlement. Although the author's views and opinions are clear, he illustrates a

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sophisticated understanding of other policy choices. Best undoubtedly illustrates that the questions are complicated and difficult and that there are no quick easy answers. Even though one may not agree with Best's conclusions, one finishes the book with a better understanding of the issues at hand. Thus, the book presents the reader with the necessary arguments and facts to draw his own conclusions.

The only real problem in the book—its tendency to become quickly dated—is in the nature of the beast. Since the book has been published, much has transpired in Central America—the Central American peace plan of Costa Rica's President Oscar Arias Sánchez has been introduced and is serving as an important instrument to bring about a settlement; the Nicaraguan government has granted limited concessions in compliance with the peace plan; the contras and the Sandinistas have initiated peace talks; and Mikhail Gorbachev has dropped subtle timely hints that the Soviets may not "be there" for Nicaragua as it has been there for Cuba. These signs point to the ongoing nature of the conflict. Indeed, the discussion continues. More chapters must and will be written. Best's book, however provides a solid base.

JULIE MARIE BUNCK
Colgate University

Open Borders, Nonalignment, and the Political Evolution of Yugoslavia *by William Zimmerman. Princeton, N.J., Princeton University Press, 1987. 158 pp. $22.00.*

William Zimmerman's analysis of the role of international-national linkages in Yugoslav political development is a provocative contribution to understanding the Yugoslav alternative to the Soviet and satellite models of Communist systems. Zimmerman starts with a general question as to what difference it makes for political development that a state exists in an international environment as well as a domestic one (p. 11). In his search to answer that question he focuses on the ties between the external environment, Yugoslav foreign policy, and the country's domestic political institutions.

The author takes what he calls "three cuts" (p. 132) at his country-specific data. Hence three levels of analysis: the manner in which Yugoslav strategies sought to ensure independence in the postwar bipolar international system—that is, the origin and function of Yugoslav nonaligned foreign policy; the way in which external actors and resources shaped Yugoslav political institutions and influenced the complex regional/bureaucratic/multinational political game that constitutes Yugoslav domestic politics; and the impact of the country's open borders on regime-society relations.

This study makes sense out of the cumbersome post-Tito political machinery. It explains the tensions created by the repercussions of Yugoslav debt-servicing

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obligations for the consensual decision making developed to contain ethnic/regional conflict. Zimmerman argues persuasively that Yugoslav elites have operated on a strategy of consociational authoritarianism essentially incompatible with the hard choices demanded by market socialism. Indeed, after the Slovene outrage at the distribution of highway repair funds known as the Slovene "road affair," those in charge "seemed bent on preventing the politically dangerous recurrence of economic rationality" (p. 62). Well into the 1980s the consensual formula and "harmonization of positions" remained the norm. In these circumstances the high pitched rhetoric of constant crisis that surrounds Yugoslav economic policy should be seen as more than political style. As Zimmerman points out in his treatment of the October 1982 economic stabilization measures, crisis politics puts a premium on agreement, minimizes conflict, and facilitates temporary unity. The pattern repeated itself in the October 1987 draconian austerity program to combat an official 140 percent inflation. Notwithstanding severe criticism, the package was adopted by both houses of the Federal Assembly.

The author's conclusion is undeniable that economic pressures flowing from Yugoslav ties with the global economy severely strain the strategy of decision making by consensus. Whether or not he is right that Yugoslav policy makers will increasingly move to zero-sum politics remains to be seen. Moreover, as Zimmerman acknowledges, if they did so, there is no certainty that economic decision making would devolve to the enterprise level. Or, given the AGROKOMEC bankruptcy scandal that broke after his book was in print, there is no guarantee that market forces would fare better at the mercy of enterprise managers than at the hands of republic/provincial or federal politicians.

Parts of this study have been published before in edited works and journals. Yet for students of international relations, comparative politics, and comparative Communist systems, the whole is much more than the sum of its parts. The application of Theodore Lowi's issue areas and policy process paradigm to Yugoslavia underlines the value of applying mainstream political science concepts to Communist systems. The question that Zimmerman raises concerning the implications of Albert Hirschman's study of monopolies for dependency theory and Soviet-East European relations establishes an agenda for research. Ideally that agenda would extend to Soviet leader Mikhail Gorbachev's campaign for *perestroika* in the Soviet Union itself. Policy makers and scholars alike need to ask themselves: What does the interdependence that Gorbachev insists is part of the "new thinking" necessary for Soviet society and the world imply for development of "real socialism" Soviet style? What will it mean for our understanding about the dynamics of change in Communist systems?

ROBIN ALISON REMINGTON
University of Missouri-Columbia

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Condemned to Repetition: The United States and Nicaragua *by Robert A. Pastor. Princeton, N.J., Princeton University Press, 1987. 392 pp. $24.95.*

This book is essential reading on U.S. policy making toward Nicaragua in the Carter and Reagan years. Pastor explores how the Sandinistas came to power in a revolution similar in pattern to the Cuban revolution (despite conscious efforts by U.S. policy makers to avoid another Cuba), and how the U.S. related to the postrevolutionary regime. Rejecting the question "*who* lost Nicaragua," he argues that everyone lost as the events unfolded and explains why. He stresses the stereotypes that U.S. and Nicaraguan officials held of each other: acting out of historically rooted distrust, each side took defensive actions that became self-fulfilling prophecies and exacerbated the conflict.

Pastor's richest analysis covers the Carter period, when he served on the National Security Council staff. Carefully examining the conflicting positions within the Carter administration, he shows the logic behind each position. One chapter, for example, insightfully shows how the administration, despite its strong predisposition to avoid unilateral interference in internal affairs, got drawn into local mediation efforts to remove Anastasio Somoza and ended up leading a failed unilateral effort. Throughout, Pastor sidesteps the pitfalls of memoirs; he admits mistakes, including his own, and presents a well reasoned, critical analysis useful to both generalists and specialists.

By framing the case as a general problem of "succession crises," he also probes a dilemma long plaguing U.S. policy makers: a rightist dictator facing a Marxist guerrilla movement and a more moderate opposition that wants to oust the first without getting the second. Importantly, Pastor urges the question, "what does the United States have the power to do?" before asking the question "what should the United States do?" Pointing to the limits on U.S. power, he challenges the historic hegemonic assumption that the United States can control the internal affairs of other countries and shows how outcomes will depend heavily on local actors. "The issue for U.S. policy makers is how to influence the crisis from the margin of events" (p. 298).

But there is an element of the hegemonic assumption that Pastor leaves unquestioned: the right and responsibility of the United States to influence the crisis to prevent Marxist revolutionaries from taking power. This creates difficulties. For example, if policy makers followed his sober advice and acted as low key "facilitators" and not "proconsuls," the failure of moderates to replace the dictator and the growing power of insurgents would inevitably lead to severe interventionist pressures here at home if it is assumed that keeping out the revolutionaries is vital to U.S. interests. Although Pastor believes that vital interests are not necessarily at stake, lack of critical analysis here weakens arguments against those who would condemn the United States to repetition.

Pastor is also somewhat reticent to examine the long-term implications of his desired outcome. Suppose moderates replace the dictator and exclude the revolutionaries: how likely are they to have the power to end repression and bring reform

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(that is, remove the roots of revolution) given the power still in the hands of military elites and oligarchs. If the Carter policy had succeeded in helping the Nicaraguan moderates into office, but the national guard had remained intact, what would have been the consequences? The Philippines' Corazon Aquino and El Salvador's José Napoleón Duarte led moderate opposition forces into office, but not into power, and civil war persisted. Pastor convincingly argues that the United States and Latin America are not "condemned to repetition" if they can reject stereotypes by learning from history. But there are deep, hegemonic assumptions the United States must also learn to reject.

KENNETH E. SHARPE
Swarthmore College

Partners in Conflict: The United States and Latin America *by Abraham F. Lowenthal. Baltimore, Johns Hopkins University Press, 1987. 240 pp. $19.95.*

Directed toward generalists as a prescriptive overview of United States policy in Latin America, this book is well crafted and timed for the 1988 presidential campaign. The central arguments are clearly stated. Latin America has changed profoundly since the 1960s in terms of education, urbanization, industrialization, and the like. The global order also has experienced fundamental change, moving from a bipolar to a multipolar system in which economic growth has become much more interdependent. These developments, along with the decline of U.S. hegemony in the region, require new policies. The concept of U.S. national security should be expanded beyond military defense against Communist expansion to encompass as well a broader concern with sustained economic growth and the search for points of congruity between the United States and Latin American countries. Rather than a special relationship, the United States should focus its attention on the principal nations of the region, including them in a general policy toward Newly Industrializing Countries (NICs). Consequently, "The security and stability of the Americas are more deeply threatened by Latin America's economic problems than by the internal conflict in Central America" (p. 65).

After demonstrating the scope of change in Latin America, the book takes up the decline of U.S. hegemony since the 1960s and then outlines a new policy for the region. Subsequent chapters sketch U.S. relations with the major countries, Mexico and Brazil. A chapter on the Caribbean basin usefully delineates the countries in the region and discusses U.S. interests in the broad terms noted above. The conclusion outlines the steps required to move the United States from insecurity to *confianza* (trust).

As a regional specialist and former staff director of the Inter-American Dialog, Lowenthal amply demonstrates how the scope of change in Latin America requires a rethinking of U.S. policy. His command of facts places his discussion at an advantage in comparison with the global-strategic and ideological fixations of some

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of the Reaganites. His prescriptions will be well received by those who believe that reason and diplomacy are firmer foundations of effective policy.

But even those who agree with the general argument will find flaws. At several points the author cites evidence of the structural distortions in Latin American societies and economies, but he seems not to grasp their profundity or historic momentum. And, though one should be skeptical of a cultural determinism that dismisses the prospects of liberal democracy in Latin America, Lowenthal simply ignores the issue. His optimism is sometimes startling: "The social and political bases for democratic politics that were lacking in South America in the 1960s have since then been laid" (p. 241). Also, regional specialists typically overstate the significance of their particular area for U.S. policy. Lowenthal knows this better than most. Only in the closing pages, however, does the author confront the reality that U.S. policy toward Latin America is largely a byproduct of other domestic and foreign policies: ". . . a Western Hemisphere policy must be linked to a program for the economic recovery of the United States" (p. 197). But the intractable problems thus invoked are summarily dismissed: the United States should reduce its budget deficit and rearrange its economy to accommodate the export requirements of the NICs. Many groups will be adversely affected, but support coalitions can be constructed. As a general prescriptive effort, the book is a valuable contribution to guide public discussion about U.S. policy in an important region along more constructive lines than has been the case since 1981.

JOHN BAILEY
Georgetown University

The Engineering of Consent: Democracy and Authority in Twentieth-Century America *by William Graebner. Madison, The University of Wisconsin Press, 1987. 262 pp. $26.50.*

William Graebner here provides a wealth of informative detail about the various ideologies, institutions, and organizations in twentieth-century America that have been the breeding grounds of a variety of manipulative strategies for engineering consent. He provides data on such diverse phenomena as human relations strategies in industry, Golden Age, foremen's and high school clubs, "democratic" personnel relations, Sherwood Eddy's YMCA, Edward Bernay's public relations approach, and Dale Carnegie's training in salesmanship.

The instructive survey of these approaches is unfortunately vitiated by the author's lack of theoretical sophistication and analytical discrimination. What is one to make of a scholar who imagines that before a book by John Kenneth Galbraith published in 1983, "there had been no systematic attempt to deal with the history of authority as a field of study (p. x)"? Neither Hannah Arendt nor Max Weber, let alone classical democratic political theory are alluded to in this book, which purports to deal with contemporary problems of power and authority. And what

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is one to make of a scholar who insists that he can discern no difference between these two concepts so that he "uses [them] interchangeably (p. ix.)"?

The theoretical deficiencies lead the author into analytical chaos. He persists in calling the various forms of manipulation he describes "democratic social engineering," thus obliterating the crucial distinction between pseudo-democracy as a manipulating device and the genuine article. In his theoretical twilight, all cats are grey. He fails to see the difference between Charles Horton Cooley's or John Dewey's pragmatically based ideal of participatory democracy and the corporate uses of the human relations approach. Jane Addam's or Grace Coyle's efforts to make the underprivileged into active participants in the democratic process are equated with Dale Carnegie's efforts to teach sales managers the art of persuading customers. "Settlement workers and the industrial relations experts," Graebner asserts, "shared the basic goal of finding solutions for social conflict" (p. 88). It would be tedious to cite further examples of this confused and confusing approach. Let me only mention one more astounding statement. The author is, of course, a historian, but only a deficient sense of history can account for his affirmation that "Democratic social engineering has not been transformed in any major way in the past century" (p. 5).

Students frequently ask me why it is necessary to learn much political or social theory when all one really wants is increased empirical or historical knowledge. I will henceforth direct them to this book as a particularly dismal example of the lack of theoretical capacities. It turns out that it has its uses, even though the author hardly anticipated them.

LEWIS A. COSER
SUNY at Stony Brook

Power and Pluralism in American Cities: Researching the Urban Laboratory *by Robert J. Waste. Westport, Conn., Greenwood Press, 1987. 176 pp. $32.95.*

In 1953 Robert Dahl and Charles Lindblom in *Politics, Economics and Welfare* introduced the concept that a polyarchal model could explain how localities in America were governed. This polyarchy of Dahl and Lindblom was a political regime where democratic goals were roughly and crudely approximated in that nonleaders within communities exercised a relatively high degree of control over their political leaders. This model was developed further in Dahl's classic study of New Haven, Connecticut, *Who Governs?* (1961), which in turn became a source of intense critical review on a number of grounds. Most of these saw Dahl as an apologist for the way in which the system was operating, accepting democracy without examining its flaws. Principal criticisms were that Dahl had understated the power of the elites who had an inordinate influence over community governance. Others attacked the methodology to charge that Dahl had downplayed the limited participatory role of the poor and disadvantaged. They maintained that by asking

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the questions he did, the true limits upon the exercise of power in a democracy were masked. Dahl's position as a leading pluralist was particularly subject to critical review during the 1960s when many scholars sought to explain the deficiencies of the American political system in terms of an absence of democracy.

Robert J. Waste joins the battle that has abated more recently and comes to the defense of Dahl with a thorough examination of his writings. He adds to this with a series of interviews in which he asks Dahl to explain himself in response to the criticism. In Waste's view, Dahl has been misinterpreted and is not an apologist for our current political system. Dahl is seen as a scholar with definite interests in improving political conditions, particularly for the underprivileged in America. The literature search is thorough and in several chapters Waste deals with the critics of Dahl, one by one. The defense is avid and spirited. Waste is a disciple that any distinguished scholar such as Dahl would love to have, and he makes his affection clear even in the dedication. In terms of the literature search and the review of Dahl's critics, the book is interesting and successful. From it Dahl emerges as a balanced and concerned scholar, one who knows that the description of the political community as a polyarchy does not imply perfection or require satisfaction.

There is, however, another dimension of *Power and Pluralism in American Cities*, and here the work is not as satisfactory as it could be. Waste's treatment of the literature is supposed to be an introduction to how the polyarchy model can be put to use in the study of cities. For while Dahl has given us the theory, it remains largely undeveloped. Indeed, since 1953 it has been used as little more than a rough indicator of the presence or absence of democracy within cities. It is slightly more sophisticated and useful than a purely subjective judgment. And scholars still are not able to answer questions of whether cities are truly democratic thirty-five years after the question was first raised in terms of the analyses discussed here.

Waste acknowledges that polyarchy has not been adequately developed, and in his concluding chapter and several appendices he puts forward a method of weighing and measuring the variables that are contained in the description of polyarchy. He does this for formal or objective characteristics, as well as for subjective ones, and he applies these to a study of two municipalities in New England. But the suggestions of that research are far too tentative to make one believe that the pursuit can proceed on the basis of what Waste has given us so far. Indeed, if the same rigor and enthusiasm that marked the analysis of Dahl's work were employed here, the work would be much more developed. In that respect, the book remains a tease – not an insubstantial work – but a work that calls for greater development of what Waste feels should be added to Dahl's work.

FRANK J. MACCHIAROLA
Columbia University

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Dossier Society: Value Choices in the Design of National Information Systems *by Kenneth C. Laudon. New York, Columbia University Press, 1986. 421 pp. $45.00.*

Those who view the defeat of Judge Robert Bork's nomination to the U.S. Supreme Court as a sign that the right to privacy has survived the Reagan administration should read Kenneth C. Laudon's latest book. Documenting in careful detail the recent growth of the FBI's national computerized criminal history system, the book analyzes the uses and abuses of criminal record systems at the local, state, and federal levels. Laudon also provides one of the more thoughtful overviews of the changing concept of privacy and of the new mechanisms needed to protect it.

Dossier Society is a volume in the CORPS (Computing, Organizations, Policy, and Society) series, which provides significant, large-scale, empirical studies of the social impact of computerization. Like other books in the series, this one is equally readable by the scholar, the advanced student, or the practical policy maker. Were it not for its high price, the book would make an excellent supplementary text. Writing in the language of policy analysis (but sparing the reader unnecessary jargon), Laudon has produced an understated horror story about the abuses of a generally useless and dangerous surveillance system. Carefully supported by statistical, interview, and participant observation evidence, and without the polemic often found in analyses of electronic surveillance, Laudon uses the case of the computerized criminal history system as a vehicle for exploring the social policy context and consequences of technological change in the U.S. criminal justice system.

Among the cast of characters introduced and set into historical perspective in Part I are the FBI, the federal executive, state law enforcement agencies, both federal and state legislative and judicial branches, local criminal justice personnel, and a wide variety of private special interest groups. Part II describes the interrelationships of these actors in the design and use of existing criminal justice information systems. Laudon asks why states are adopting such technologies, how the contents are actually used by local decision makers, and whether these developments are compatible with existing state and federal law. Contrary to assumptions that rising crime rates or the availability of federal funding are driving the adoption, he finds that a strong executive and a well-informed, capable legislature characterize the technologically advanced states that are first to adopt and become the heaviest users of these systems.

The most disturbing result of the study is the extensive use of computerized criminal records, including arrest records with no information as to outcome, by private employers. In practice, the computerized criminal history system is contributing to the formation of an underclass of permanently unemployable people. At the state and local levels these systems generally operate in violation of existing law, even without taking into account the extraordinarily high error rate in the

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records (based on Laudon's analysis while at the Office of Technology Assessment and confirmed by the FBI's own study).

The social impact assessment of Part III is a model for how to evaluate the organizational and policy implications of a new technology. Based on interviews with criminal justice decision makers from police officers to state records managers, these chapters clarify the value differences underlying different interests in developing and utilizing computerized criminal records. The conclusion presents an excellent set of specific and practical alternatives for managing the social problems engendered by the new technology. Unfortunately, concern with abuses of electronic surveillance has been identified as a liberal political issue. As Laudon points out, it is ironic that the U.S. conservative political agenda should include a program to expand vastly the intrusive role of the federal government.

JUDITH A. PERROLLE
Northeastern University

Money, Media, and the Grass Roots: State Ballot Issues and the Electoral Process *by Betty H. Zisk. Newbury Park, Calif., Sage Publications, 1987. 278 pp. Cloth, $29.95; paper, $14.95.*

Nurtured by the Progressive Movement, the initiative and referendum are surviving legacies of the quest for direct democracy in the United States. Betty Zisk, professor of political science at Boston University, focuses on campaigns in which causes rather than candidacies dominate the electoral process. She perceives state ballot questions as "the purest form of issue voting that exists." They have provided alternate channels of political expression for ideas that failed to gain majority support from state legislatures.

In their finest hours, nonpartisan issue-oriented advocates have achieved impressive results—minimum wage and child labor laws, old age pensions, merit selection in public employment, returnable bottle bills, and comprehensive land use legislation. The author concedes that some citizen-sponsored measures have proven to be unconstitutional, trivial and occasionally oppressive. Democratic goals have been subverted by special interests that have oversimplified the information given to the public, resorted to unethical campaign techniques, flagrantly outspent grassroots opponents, embarked upon media blitzes, ignored the rights of minorities, and refused to compromise on issues that don't lend themselves to simple "yes" or "no" answers.

The author describes herself as an academic activist who has been involved with ballot questions for fourteen years. In this study, she limits her scope to four states (California, Massachusetts, Michigan, and Oregon) over a seven year period (1976 to 1982). She examines seventy-two controversies in diverse policy areas. Zisk provides state-by-state portraits of the political setting for decision making, the origin of state ballot issues, the conduct and cost of the campaigns, and the voters' re-

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sponses. All four states share common progressive traditions as well as countervailing conservative/parochial feelings that lie dormant beneath the surface. In each state, public officials, ordinary citizens, and influential lobbyists have been caught up in disagreements over economic development and the preservation of the environment. There have been explosive disputes over tax and spending limitations, gun control, racial desegregation, nuclear freeze, and labor-management struggles.

Zisk comments on the virtual irrelevancy of political parties in ballot contests and the extent to which citizens initiate reforms that elected officials are reluctant to discuss. The distinctions may be too sharply drawn. Contentious issues do not necessarily exist in isolation from the politicians with whom they share the spotlight. Indeed, the degree to which candidates succeed in attracting voter participation and their public statements on propositions and amendments sometimes affect the entire election.

The author examines the influence of campaign spending, advertising, and grassroots activism on voting patterns and outcomes. Experiments in participatory democracy have produced mixed results. The high-spending side is victorious 80 percent of the time. Yet Zisk is heartened by those cases where low-spending groups won. In recent years, grassroots organizations have demonstrated increasing professionalism in getting their messages across. Major candidates still dominate the scene, but controversial questions take on a life of their own. Knowledgeable voters are likely to pierce the technical ballot language, while other citizens feel discouraged, confused, or angered by the overstatements made by opposing camps. Celebrities such as Jerry Brown, Cesar Chavez, Michael Dukakis, Jerry Falwell, and Howard Jarvis tend to heighten voter interest in an issue, but sometimes public opinion is profoundly swayed by unanticipated events such as tax examiners' untimely distribution of reassessment notices on the eve of the Proposition 13 referendum.

Zisk suggests directions for future scholarship. She proposes comparative studies of "legislative and ballot question outcomes and processes" with respect to the ultimate constitutionality of both forms of enactment, innovative proposals that never reach a vote, the use of deception in legislative debates and ballot campaigns, as well as the extent to which "confused" lawmakers and citizens tend to vote "no" when the agenda is overly long. Her questions deserve answers. However, the author has unfortunately overlooked presently available data that would have enabled her readers to compare the outcomes of constitutional amendments drafted by legislative bodies with those initiated by petition. For example, during the early 1980s (years that were included in her survey) 692 proposed constitutional amendments originated in state legislatures. Of these, 75 percent were approved by the voters. During the same period, thirty-three suggested constitutional changes stemmed from popular initiatives. Here, the success rate was a disappointing 24 percent. These trends should be analyzed.

Other flaws mar the work. The sparse notes at the end of each chapter fail to indicate how and when most of the excellent sources cited in the bibliography have

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been used. Consolidated state statutes, essential state-based publications (*The Journal of State Government, State Legislatures*, and *State Government News*) and the *Initiative and Referendum Report* (published monthly by the Institute for Government and Politics in Washington, D. C.) have been omitted from the list of references. There are inexplicable discrepancies between the author's statistics and the records maintained by nationwide organizations that monitor these developments. Zisk asserts that constitutional amendments by initiative occur in fourteen states, statutory initiatives in twenty-two states, and statutory referenda in thirty-nine states. However, the highly regarded Council of State Governments lists the names of seventeen states where the constitution may be amended by popular initiative, twenty-one states in which statutory initiatives are permissable, and thirty-seven that allow statutory referenda.

On a more positive note, the reader is inclined to agree with Betty Zisk's overall assessment of the initiative and referendum: "While these mechanisms for direct democracy are hardly the universal panacea that some past reformers have claimed, they have helped open up new pathways for participation, for political communication and even for policy innovation. This is no mean accomplishment for a simple set of procedural devices!" (p. 268).

LEONARD P. STAVISKY
Columbia University

Rights of Passage: The Past and the Future of the ERA *edited by Joan Hoff-Wilson. Bloomington, Indiana University Press, 1986. 140 pp. Cloth, $22.50; paper, $6.95.*

David Broder, national political correspondent for the *Washington Post*, counts the current women's movement as the most far-reaching change in contemporary politics. For many that movement was symbolized by the campaign to ratify the Equal Rights Amendment (ERA), beginning with its upset congressional victory in 1970–1972 and ending in exhaustion as its extended deadline ran out in June 1982, three states and fifteen votes short of success.

No comprehensive 1923 to 1982 history of the ERA has been written yet, but the subject has been addressed topically by Susan Becker (*The Origins of the Equal Rights Amendment*), Mary Berry (*Why ERA Failed*), Janet Boles (*The Politics of the ERA*), Nancy Cott (*The Grounding of Modern Feminism*), Jane Mansbridge (*Why We Lost the ERA*), Leila Rupp and Verta Taylor (*Survival in the Doldrums*), among others. In *Rights of Passage*, a collection of essays, readers can get a brief, brisk, readable summary. Two early entries on the amendment's origins delineate the Alice Paul-National Women's Party versus the social feminists and everybody else split, but the emphasis is on the reasons the ERA lost and the impact of that defeat.

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All the writers are academics, all are ERA supporters, and some are veterans of the ratification campaign. The biases of the eleven contributors are evident in the eight essays and four introductory sections. Berenice Carroll continues to defend the "direct action" tactics of sit-ins and disruptions in which she participated in Illinois, and Janet Boles attempts to describe the ERA as a "zero sum game" in mindboggling jargon.

The most persuasive explanation of the ERA's defeat is offered by Jane DeHart Mathews and Donald Mathews. They develop a thesis of cultural conflict, based originally on the attitudes of North Carolina voters toward the ERA. They are convincing in asserting that the ERA represented a conflict in values and in views about women's "proper place" in the family and society. The attitudes of the groups on each side of the argument are uncompromising, making compromise on ERA impossible. This argument parallels that of Kristin Luker in her study of abortion in America.

The idea for this collection was generated by Joan Hoff-Wilson, executive director of the Organization of American Historians (OAH). As editor, she attempts to close the inevitable gaps left between the essays with fact-packed, clear-sighted introductions to each section. Her consistent grounding of the material in a matrix of constitutional history gives the book its backbone.

For readers who care about the ERA's future prospects, the book seems unexpectedly optimistic. Elizabeth Defeis details the changes in state and federal laws that have improved women's legal status and removed the most egregious examples of discrimination, which had made reform compelling. Elizabeth Pleck concludes that the ERA effort politicized women on both sides of the issue, and they will continue to have an impact on American politics as voters, lobbyists, contributors, and candidates.

Illustrated with cover cartoons from *Equal Rights*, the journal of the Woman's Party, the book includes an appendix tracing the changes in equal rights language from Alice Paul's 1923 ERA draft to the twenty-four words of its last version, as well as the riders used to undercut it.

Many of the essays excerpt works in progress or already published; over half appeared in the quarterly OAH newsletter, but it is useful to have them all in one place in paperback. Although the book does not treat the interim 1923 to 1972 period or provide many details of congressional passage or ratification coalitions, it is a good overview for classes and general audiences, as well as those activists who are "curiously indifferent" to our history (p. 42).

ELISABETH GRIFFITH
American University

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The Tenant Movement in New York City, 1904–1984 *edited by Ronald Lawson with the assistance of Mark Naison. New Brunswick, N.J., Rutgers University Press, 1986. 289 pp. Cloth, $35.00; paper, $15.00.*

Tenant history raises a whole host of questions central to understanding the political process. What interests determine individuals' political behavior? Around what issues will political organizations form? How do residential interests relate to workplace interests, to ideological commitments, to patriotism, to class solidarity, to ethnic identity? In the apparently simple question, "is there a tenant movement, and if so, what is it like?" much of the political scene can be analyzed in a microcosm. Yet the literature on the subject is very scarce; only Allan Heskin's *Tenants and the American Dream*, in the recent past, has even attempted to fill the void.

The Lawson/Naison book does a commendable job of providing the materials for some answers. Its real subject is not "the landord-tenant relationship," as Lawson suggests in his introduction, but rather the organized activities of tenants in New York City during the twentieth century—a broad enough topic, given the city's history of tenant activity. It contains five major pieces: Jenna Weissman Joselit on pre-World-War I tenant activites, Joseph A. Spencer on the 1920s, Mark Naison on the Depression and New Deal, Joel Schwartz on the post-World-War II period to 1971, and Ronald Lawson (with the assistance of Reuben B. Johnson III) on developments 1970–1984. Each has strengths and weaknesses.

Joselit's account focuses on the lower East Side of New York, where a meat boycott in 1902, a rent strike in 1904, and a more politically-inspired rent strike in 1908 opened up questions of political radicalism's role in tenant militancy. Spencer's post-World-War I account continues the story—from Socialist-led organizing to middle-class professional tenant counseling, as red-baiting and prosperity have their effects. Naison highlights the role of the Communist party in the 1930s and recounts the origins of public housing and later rent regulation in the city. Joel Schwartz's contribution, the longest, looks at the relationship between the American Labor party; party organizations; the housing shortage; and the conflicting interests of poor tenants, middle class tenants, liberal reformers, and the interests Robert Moses represented. The picture he paints is in subtle tones, and casts doubt on some of the easy generalizations that abound in the field. Lawson's own concluding presentation is the least historical of the group; covering more current events, it tends to be more piece-meal description than analysis.

While big questions (is there really such a thing as "the" tenant movement, as the book's title suggest?) are left open, and while the often quite differing assessments the various authors make are never brought together in one grand synthesis, the book makes an invaluable contribution to the information available to us for an understanding of what drives city politics at the grassroots level. It should be read by anyone interested in social history or urban politics.

PETER MARCUSE
Columbia University

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Setting the Mould: The United States and Britain, 1945–1950 *by Robin Edmonds. New York, W. W. Norton & Company, 1986. 349 pp. $22.95.*

A thirty-year veteran of the British foreign service, Robin Edmonds here looks back at the pattern of postwar Anglo-American relations before the United States achieved "solitary eminence" as a superpower. Then he draws some conclusions about the future. The mould that was set by 1950, though cracked once by the shock of Suez, prevailed down to the Cuban missile crisis. It could be said, argues Edmonds, that until the missiles of October, London still shared in western leadership in the sense that diplomatic initiatives were not yet, as Henry Kissinger once described his role, the property of a diplomatic counterpart to Gary Cooper in *High Noon*.

In a very subtle analysis, Edmonds queries the shape and texture of the mould. This is neither a celebration nor a condemnation. And he arrives at some very interesting positions. In talking about the diplomacy of the Marshall Plan and the Schuman Plan for a European coal and steel community, for example, Edmonds rather neatly suggests that Ernest Bevin's chief triumphs in Anglo-American relations (often talked about in personal terms of the "Ernie" and "me lad" references Dean Acheson and Bevin used in private), led to an increasingly unhealthy dependence on the "special relationship."

Ironically, Washington sought to discourage that dependence, for its own reasons of course, as in the case of the preliminary negotiations over the Marshall Plan. Bevin wanted a separate place for Britain. American negotiators made it absolutely plain that was out of the question. Still, the Foreign Office, in what would become a recurring event, undertook to draft the final concession to the Americans, further disguising the true nature of what had occurred.

Edmonds details the rapid evolution of Anglo-American nuclear policy, from the relatively equal 1944 Churchill-Roosevelt memorandum through the lopsided eight points of the 1948 *Modus Vivendi*, whereby Washington secured a British pledge to obtain all possible supplies of uranium from the Commonwealth for American use, and declared all previous understandings null and void. Clement Attlee's visit to Washington in late 1950 took on the appearance of consultation, but in fact the prime minister was told that he should rely on verbal assurances that the bomb would not be used without London being "informed." (Churchill, by the way, would be roundly condemned for crude partisanship in 1954 when he answered Labour charges of subservience to Washington in the debates following H-Bomb tests with accusations that Attlee's government had surrendered what he had once achieved. Edmonds's account redresses the balance.)

The Anglo-American relationship did nothing, Edmonds notes, to save either London or Washington from the two greatest follies of the immediate postwar era, both of which had consequences coming down to our time. The British could do nothing, although they knew better, to prevent America from plunging off the deep end in regard to China; and London badly underestimated the domestic po-

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litical obstacles in Washington to an Anglo-American condominium in the Middle East.

Although London had encouraged the United States to interest itself in Southeast Asia, the first great indication of Washington's concern manifested itself as part of the fallout from the Korean War. That was bad enough. But the rearmament expenditures Washington called for, and London undertook, helped to bring on a new financial crisis, just as British industry was making progress in recovering competitive positions in world markets. The lessons from all this, Edmonds implies in very careful phraseology, require that Britain now do what American policy wanted it to do: decouple from the romantic vision of a wise John Bull guiding a well-meaning, but bumptious Uncle Sam and join with Europe.

LLOYD C. GARDNER
Rutgers University

The Collapse of the Grand Alliance 1945–1948 *by James L. Gormly. Baton Rouge, Louisiana State University Press, 1987. 202 pp. $25.00.*

It is refreshing to read such a balanced account of the collapse of the wartime alliance. The book begins with prefatory statements that "as the Grand Alliance floundered, each decried the others' tactics, protested the estrangement, and proclaimed innocence" and that "none was innocent; all were guilty" (xii). It ends with the observation that "there were no victors, and no losers—only combatants" (p. 173). In between, the author provides a carefully-researched, well-written, and thoughtful account of how the wartime coalition came apart. He concentrates for the most part on the London and Moscow meetings of the Council of Foreign Ministers, on the items under discussion there, on the positions—and their possible alternatives—taken by each of the three powers, on the flow of the discussions and negotiations during the meetings themselves, and finally on the breakdown of the alliance in March 1946 and the "institution" of the cold war. The narrative is enlivened by descriptions of the meeting places, by well-chosen quotations from private papers, and by commentary on the personalities and diplomatic styles of the foreign ministers. British Foreign secretary Ernest Bevin was "rotund, ruddy-faced . . . new to his job," and considered by Truman to be "crude and uncouth" (p. 23). Soviet minister of Foreign Affairs V. M. Molotov was "tough-minded and patient," but nicknamed "Stonebottom" by British and American diplomats "because of his obstinacy and impervious bearing" (p. 26). And U.S. Secretary of State James F. Byrnes was close to Truman, influential with Congress, skillful as a negotiator but unorthodox as a diplomat, and he was called "a shanty Irishman from Carolina" by a British observer (p. 122).

The author researched appropriate public and private records in Britain and the United States, which he lists in detail in the bibliography, and his familiarity with and effective use of periodical literature, autobiographies, diaries, and the

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extensive secondary literature on the subject are quite remarkable. Naturally, he did not have access to Russian records, and in my opinion, he seemed at times to have relied more readily on the British conception of things than upon the American.

Some readers will perhaps judge a book dealing primarily with the collapse of the grand alliance between September 1945 and March 1946 as somewhat narrowly conceived, a judgment that the author himself may have entertained, for the final chapter appears to be added on. In any event, entitled "Instituting the Cold War," it is a rather general essay covering familiar ground on events, developments, policy changes, and confrontations between March 1946, when the grand coalition died, and sometime in 1948. As for me personally, I find it noteworthy that Germany is not mentioned anywhere in the book, not even in the chapter on the origins of the cold war.

JOHN GIMBEL
Humboldt State University

Forging the Atomic Shield: Excerpts from the Office Diary of Gordon E. Dean *edited by Roger M. Anders. Chapel Hill, University of North Carolina Press, 1987. 309 pp. $27.95.*

Most Americans recall the Atomic Energy Commission (AEC) as an important regulatory agency. Monitoring the development of civilian nuclear power, the AEC set safety standards, conducted inspections, and generally oversaw this new industry until such duties were taken over by the Nuclear Regulatory Commission when the AEC was abolished in 1975. By contrast, nuclear weapons policy is usually associated with the Department of Defense and the Department of Energy. Because this view is largely accurate, few realize just how different the situation was some forty years ago. Created by President Harry Truman in 1947, the Atomic Energy Commission was *the* primary agency for nuclear weapons policy. Through the early cold war years the AEC controlled the development of nuclear weaponry. It also controlled the Pacific and Nevada testing programs. And it was the AEC, not the military, that maintained actual possession of America's nuclear weapons stockpile. Thus it was in the AEC that the critical early decisions on American nuclear policy were made: the undertaking of a massive weapons-building program, the development of the hydrogen bomb, the construction of a second nuclear laboratory (Livermore, after Los Alamos), and the development of tactical nuclear weapons. Of course, these were not just military decisions. The political issues involved ranged from radioactive fallout to McCarthyism to the battles between Robert Oppenheimer and Edward Teller. The AEC, therefore, was an important locus in the determination of U.S. policy in the postwar period.

Gordon Dean was appointed to the AEC in 1949 and served as its chairman from 1950 to 1953. With an excellent introduction and the inclusion of some key

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letters and documents, Roger Anders, a historian with the Department of Energy, has carefully edited Dean's office diary to offer some rare insights into the policy debates of this critical period. The Korean War formed the backdrop to Dean's tenure as AEC chairman and strongly shaped his and others' assumptions about the nature of the threat and the correct response to it. The Communist menace was monolithic, and there was no question that the United States must build a huge arsenal and maintain nuclear superiority. The nuclear age was in its innocent infancy, and today's concerns about a technological spiral and the possibility of accidental war were largely unforeseen. Little thought was given to the more complex reality of U.S.–Soviet relations and the troubled future to which we were committing ourselves.

One of the most interesting debates concerned the development of smaller, "tactical" nuclear weapons. Dean supported their development as more "usable" weapons than the big bombs, which might thereby be effective in stopping the Communists' "endless nibbling aggressions" (p. 283). At the same time, he worried that if a weapon were used in a situation where it "would not be fully effective . . . what price would we pay in terms of prestige which we now have because of the popular notion that the atom bomb is an infinite weapon" (p. 129). This is the same dilemma of stability versus credibility of deterrence that strategists face today.

Though a true cold warrior, Dean was not a McCarthyite. Dean spoke up on Robert Oppenheimer's behalf when the latter's loyalty was questioned, in contrast to Edward Teller's shameful testimony, which proved instrumental in the decision to lift Oppenheimer's security clearances. While supporting Teller's program to develop the hydrogen bomb, Dean was opposed to the construction of a second national nuclear laboratory. Dean, like many others, was personally disgusted with Teller's politicking, his repeated threats to resign, and the constant "crying on the shoulder time" needed to keep him happy (p. 161).

Toward the end of his term, Dean began to see just where our nuclear program was heading. As the atomic arsenal grew to twice the size originally seen as necessary to defend the United States, Dean wrote: "When this point has been reached, regardless of all the claims that can be made for an infinite number of 'targets of opportunity,' it simply means by any method of reasoning that we have more than enough" (p. 267). Unfortunately, a huge technological push would soon propel the arms race to much higher levels, bringing with it entirely new "methods of reasoning." Shortly thereafter, a plane crash prematurely ended the life of one who might have provided some much-needed perspective in a dangerous new world.

ROBERT D. ENGLISH
Princeton University

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Military Technology and Defense Manpower *by Martin Binkin. Washington, D.C., The Brookings Institution, 1986. 143 pp. Cloth, $28.95; paper, $10.95.*

That human issues are in fact very real aspects of technological use and development is ably demonstrated in Martin Binkin's latest book. Binkin, a specialist in military manpower issues, focuses on a basic question: what personnel staffing and training requirements arise from the reality of a high tech U.S. military? The organization of the book is well-designed to examine this issue. Chapters 1 and 2 set the stage and look at the problem in historical context; chapter 3 assesses the U.S. defense arsenal in the 1990s; chapter 4 focuses upon the manpower implications that such technology is likely to have; chapter 5 profiles the 1990s American youth population; and chapter 6 offers policy options that address the issue of matching technological and manpower requirements. Featured throughout the book are figures and tables that provide succinct, visually-appealing summaries of key points presented in the text.

As Binkin sees it, the issue is this: "given present trends in arms technology and demographics, by the early 1990's the nation's armed forces could be caught between a growing requirement for skilled people to operate and maintain sophisticated weaponry and a diminishing supply of youthful recruits capable of absorbing complex training" (p. 83). In the final chapter, he makes nine specific suggestions within three general categories of answers to this problem: equipment design efforts, military training measures, and manpower management alternatives. Each of the specific suggestions is examined and evaluated. To successfully address the big picture of technological and manpower concerns, Binkin concludes that human considerations must be institutionalized by the military within the very process of the weapons systems acquisition process itself. He applauds early efforts by the armed forces in this direction, but says that more needs to be done.

This is a well-organized and highly readable book. The author is careful to explain the jargon so abundant in the world of military technology. Extensive footnotes help guide the reader through a maze of subtleties and hidden implications in many of these issues. A great strength of this book is its mode of presentation: its logic and its arguments are clearly understandable and easy to follow without being overly reductionistic. Two major contributions of this book are that it looks at these issues at all (that is, defines the manpower implications of military technology as a serious issue) and that it makes a case for careful trend identification and analysis as a methodology for proactive information of potential benefit to the military.

As enlightening as Binkin's discussion of military technology and defense manpower is, however, some aspects of his close-ended, logically deductive framework leave some questions unanswered. The possible interrelatedness between what are presented as three distinct types of policy solutions to the technology/manpower dilemma, for instance, is a point the author fails to address. Second, this "given present trends" model is just that: it weighs future policy option choices in light of present value systems. That Binkin does indeed specify that certain options

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are only workable to a point, given present policy guidelines, is to his credit. But he apparently regards some policy guidelines as relatively immutable (or at least as unchangable in the near term), and some as more fixed than others. In an era where both technological *and* social change are quite rapid, this may be a limiting assumption of this approach. Yet an interactive, open-ended model of the technology/manpower issue, while allowing for more potential predictive power, forces a direct confrontation with several key questions: What is the appropriate starting point – military technology or defense manpower? Do/can/should we design people around systems or systems around people? Does technology drive policy and doctrine or do our policies and doctrine dictate our technological needs? In the final analysis, what factors contribute to the decision-making process here? In particular, does military need override other considerations, making less palatable policy options potentially workable, thus creating new value system frameworks for future policy decisions?

As important as the answers to these questions are, however, they may go somewhat beyond the author's scope and purpose in this particular book. The goal of *Military Technology and Defense Manpower* is to call attention to an issue of increasing significance to the military community itself and to the public at large. As such, this insightful analysis is a thought-provoking contribution to the thinking on this topic. It should provide a useful point of departure for future discussions on an important issue in national defense policy.

M. C. DEVILBISS
U.S. Army Research Institute

The Long Peace: Inquiries into the History of the Cold War *by John Lewis Gaddis. New York, Oxford University Press, 1987. 332 pp. $24.95.*

After World War II, the United States and the Soviet Union faced two revolutionary developments. The first was the shift to bipolarity: the decline of the European powers left the United States and the USSR in a position of predominance that neither had experienced before. The second development was the invention of nuclear weapons. This coincidence was both ironic and fortuitous; just as these two states emerged as each other's only serious rival, the obvious risks of direct confrontation gave them a powerful incentive to moderate the ends they sought and the means they employed.

In this thought-provoking collection of essays, John Gaddis investigates how the two superpowers have dealt with this novel set of circumstances. Like his earlier works, the book displays a mastery of primary sources, a ready command of the secondary literature, and a knack for identifying important questions. As always, Gaddis's writing is a model of clarity; his prose is engaging and accessible without being simplistic. In short, *The Long Peace* is precisely the type of polished performance we have come to expect from this prolific scholar.

As its subtitle indicates, this book examines the history of the cold war from

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several vantage points, concentrating primarily but not exclusively on the United States. One theme is that of grand strategy: how did U.S. policy makers deal with the new threat? Gaddis devotes four chapters to this question. One chapter explores how U.S. policy makers came to see the USSR as the principal danger, two more describe the evolution of U.S. security commitments in Europe and the Far East, and a fourth examines U.S. efforts to split the Soviet bloc. Like his earlier book, *Strategies of Containment*, these chapters remind us that decisions that appear inevitable today (such as the establishment of NATO or the U.S. commitment to South Korea) were once merely one of several options. They also highlight a recurring problem of containment; once committed to preventing Soviet expansion, where exactly does one draw the line and what instruments will yield the best results?

With respect to grand strategy, Gaddis's most intriguing argument is a partial rehabilitation of John Foster Dulles. In the chapter entitled "Dividing Adversaries," Gaddis demolishes the widespread view that Dulles saw the Sino-Soviet alliance as an unbreakable ideological monolith. Instead, Dulles sought to discredit the Sino-Soviet alliance by maintaining pressure on both. And as Gaddis notes, this strategy was at least partly successful: the Soviet's refusal to support China fully was one source of Sino-Soviet tensions. These topics are not new, of course, but Gaddis's treatment of each is marked by several virtues. One is his effective use of an extraordinary range of archival material. A second is Gaddis's willingness to employ insights from political science; this work will further erode the counterproductive barriers that previously divided historians and political scientists.

The second main theme of this book is the efforts that both superpowers have made to keep their rivalry under control. The most obvious example, of course, is the reluctance to use nuclear weapons. Gaddis's account of "The Origins of Self-Deterrence" confirms that U.S. politicians recognized that nuclear weapons were rarely if ever a usable military option, even when the United States enjoyed overwhelming superiority. The role of restraint is apparent in more obscure contexts as well. For example, an essay entitled "Learning to Live with Transparency" chronicles the role of satellite reconnaissance as a source of stability. The willingness to tolerate espionage via "national technical means" (and to institutionalize it in the SALT treaties) confirms that tacit collaboration can be a desirable element even between enemies.

In the concluding chapter, Gaddis tackles this overarching theme directly. Drawing upon international relations theory and the diplomatic record of the past four decades, Gaddis considers why the cold war has yet to become a hot one. Although nuclear deterrence is a large part of the answer, he argues persuasively that bipolarity and the emergence of tacit norms of restraint deserve much of the credit as well.

Given the range of topics examined in these essays, most readers will find points with which they disagree. Gaddis's sensitivity to the dilemmas confronting statesmen occasionally leaves him reluctant to pass judgment; his accounts contain few fools and even fewer villains. Those who believe that history should render a harsh ver-

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dict may be mildly disappointed. And given the richness of his documentation, it is unfortunate that the references are printed at the back of the book rather than as footnotes. These quibbles aside, *The Long Peace* is a superb collection that deserves (and will undoubtedly receive) a wide audience.

STEPHEN M. WALT
Princeton University

The Party and Agricultural Crisis Management in the USSR *by Cynthia S. Kaplan. Ithaca, N.Y., Cornell University Press, 1987. 203 pp. $27.95.*

A paradox of Soviet studies is that the Soviet economy has developed a strong defense sector but has achieved little such strength in agriculture. Kaplan believes that this difference occurs, for one reason, because of the difference between party-economy relations in industry and agriculture. In her book, she tracks the evolution of this difference between 1947 and 1953 and extends the analysis to the current period.

Kaplan argues that Soviet policy in agriculture, unlike industry, was never able to break apart the purely party functions of oversight and control from the economic functions that require agricultural experience, expertise, and training. It could not separate the "red" from the "expert." In Kaplan's view, the reasons were pragmatic. Party penetration into the countryside, even after World War II, was weaker and more fragmented than it was in industry. Expertise in agriculture was stunted by quick fixes such as Lysenkoism, and capitalization was starved by underinvestment so that modernization never fully emerged. The devastation of World War II itself affected agriculture more than industry; there were no reparations to agriculture. And, above all, agriculture had less political and social status than industry.

The result was that the party did not delegate managerial functions to management, as it was able to do in industry; and it maintained petty tutelage with tutors trained more in politics than agronomy. Kaplan draws her conclusions from detailed case studies of Rostov, a primarily agricultural area, and Leningrad, a more industrialized area. She uses rare archival material such as Soviet dissertations to add telling detail and bring in cogent examples.

In a final chapter, Kaplan explores the slow process after 1953 of establishing a more cooperative relationship between local rural party overseers and economic managers, where the party monitors conformity to broad goals by indirection and leaves direct, production activity to agronomists and other agricultural specialists. There have been no easy (or cheap) ways to establish a shared authority.

This is a thoughtful, insightful study, rich in detail. It furthers an hypothesis brought up by others, such as Jerry Hough, and extends it into the new area of agriculture. The lessons from this experience can extend beyond the Soviet Union. Other political systems also experience the same tensions that affect Soviet agricul-

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ture: between macro and micro management in the public sector, between society's expectations and complex production processes that are little understood.

ELIZABETH CLAYTON
University of Missouri-St. Louis

Bureaucratic Discretion: Law and Policy in Federal Regulatory Agencies *by Gary C. Bryner. New York, Pergamon Press, 1987. 250 pp. Cloth, $32.50; paper, $14.95.*

In this provocative and valuable study, Gary C. Bryner assesses the elaborate efforts that have been made in the past two decades, in all three branches of government, to limit discretion in regulatory agencies. The purpose of these efforts has been to ensure that regulatory agencies—often criticized as either captured by industry or out of control—make substantively reasonable decisions through fair processes and that they are subject to democratic control. Bryner demonstrates that constraining bureaucratic discretion has become something like a national obsession. And he argues, for the most part very persuasively, that the result has been merely to undermine the effectiveness of regulatory programs without decisively narrowing the scope of discretion.

In the first part of the book Bryner documents the decline of the doctrine of administrative discretion, which had been articulated by Alexander Hamilton and consciously embodied in the independent regulatory commissions, and the corresponding rise of several distinct methods of controlling regulatory action. Each of three chapters discusses one important form of control: requirements of administrative law and procedure have been greatly elaborated to ensure fairness and participation by affected groups; agencies have been instructed to perform extensive scientific and economic analyses to support their decisions; and both Congress and the White House have sharply intensified political oversight of agency rulemaking. Taken together, these developments amount to an unprecedented level of constraint and supervision.

The second part tries to sort out the effect of all this constraint on rulemaking and regulatory performance through case studies of the Environmental Protection Agency, the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission, and the Food and Drug Administration. Each case study offers a detailed account of the respective agency's procedures, assembles evidence on its performance, and follows the development of one major regulation. It is not an encouraging report. The cost and duration of regulatory decision processes have been stupendous, with major rules routinely taking five years to complete and the agencies unable, even remotely, to deal with all the pressing issues on their agendas. OSHA, for example, has adopted health standards covering a mere handful among the hundreds of hazardous industrial chemicals that threaten workers. Yet, apart from obstructing action, the constraints have had no systematic effect on substantive policy; they have changed decisions unpredictably and

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after-the-fact and left the agencies for the most part with no greater clarity about what is expected in future decisions. In particular, the energetic overseers of regulation have failed to resolve the fundamental issues that make regulation difficult in the first place—how much economic growth to sacrifice for a given enhancement of longevity, what to do about uncertain evidence of health risks, and the like.

In a thoughtful concluding chapter Bryner suggests, among other things, that Congress more carefully consider the effect of its procedural demands upon the feasibility of implementation; that both Congress and the White House concern themselves more with clarifying regulatory objectives and less with meddling in particular regulations; and that regulatory programs concerning health, safety, and environmental protection sacrifice some degree of stringency to reduce conflict and permit more comprehensive coverage.

I suspect that a closer look at the development of a larger number of regulations would have told us somewhat more than Bryner is able to say about precisely which constraints do the most damage to regulatory effectiveness. But even if so, Bryner has compellingly demonstrated the essential point—that misguided and overly ambitious efforts to overcome administrative discretion undermine the administrative process and make regulation a feckless enterprise. The book deserves to be widely read.

PAUL J. QUIRK
University of Illinois at Chicago

International Trade and the Tokyo Round Negotiation *by Gilbert R. Winham. Princeton, N.J., Princeton University Press, 1986. 449 pp. Cloth, $45.00; paper, $13.50.*

In the 1970s it appeared that the decline in American power portended disaster for international economic relations. The demise of the fixed exchange monetary system, the success of OPEC in increasing oil prices, and the accumulation of protectionist actions by members of the General Agreement on Tariffs and Trade (GATT) all revealed weaknesses in post-World War II international economic rules and procedures. In this period of crises, the Tokyo Round stands out as an anomalous case of successful multilateral bargaining. Why in a period of such high uncertainty did nations reduce their protection of domestic industry? This is the question to which Winham provides a clear and convincing answer.

Winham's answer has two parts. First, nations desired lower barriers to trade because they "placed a high priority on maintaining a liberal, open trading regime" (p. 400). That "governments and individual negotiators at the Tokyo Round were motivated by the fundamental belief that life could be better through a policy of liberalism and internal cooperation" (p. 400), he argues, was far more important than the distribution of power. Winham goes on to say that values alone cannot explain why national leaders were successful in negotiating the agreement. The author argues that leaders succeeded in the 1970s where they failed in earlier times

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because national governments effectively engaged and controlled their domestic polities. Winham's focus is on three potential sources of pressure: interest groups, domestic bureaucratic institutions, and international governments within negotiating units such as the European Community. Although governments faced different domestic constraints, Winham argues that "the need for control was the same" (p. 347). These, "differences in the form of the pressures, [however] gave rise to different negotiating strategies . . ." (p. 347).

Winham derives these conclusions after careful analysis of the political history of the 1973 to 1979 trade talks. His data are detailed histories of negotiations not only between the members of GATT but within their national polities. The book focuses on the major issues brought to the bargaining table. On each of these issues Winham tracks the evolution of the major nations' negotiating positions from initial statements to final accord. Thus, Winham weaves a story of compromise and stalemate. In the area of tariffs, countries agree on a reduction formula. On agricultural subsides, no compromise occurs. One of the more interesting histories provided in the book details the liberalization of liquor trade. Here the story is not of welfare losses from an intentional act to protect the American market. Rather the story of "wine gallons" is one of interdependence, where revenue needs during the American Civil War led to a tax which only later became an impediment to trade. Too, this tale is about negotiators with sufficient authority to offer a change in domestic tax law as a carrot to induce cooperation among America's trading partners.

This book makes contributions both to an understanding of trade policy and of the general dynamic of international politics. It is a fascinating history of the process of negotiation. For anyone who is interested in bargaining, Winham provides data on years of interaction among participants and a detailed explanation for the final agreement. The greater contribution of this book, however, is the systematic attempt to portray government negotiators as members of domestic coalitions, rather than the more traditional autonomous actors. Trade policy sits in a nexus between domestic and international politics; trade policy is far less insulated from domestic politics than are other international issues. Yet, few scholars who study GATT incorporate a sophisticated understanding of domestic politics and institutions into the analysis of international bargaining. Such solely international analyses of the trade regime fail to capture the heart of the dilemma faced by governments in deciding which domestic interests to satisfy and which to bargain away. Winham's book bridges this gap and should be the exemplar for future research on the trade regime.

JUDITH GOLDSTEIN
Stanford University

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Harvest of Sorrow: Soviet Collectivization and the Terror-Famine *by Robert Conquest. New York: Oxford University Press, 1986. 412 pp. Cloth, $19.95; paper, $9.95.*

In the early 1920s, the Communist Party of the Soviet Union assumed that political order and legitimacy were compatible. But in the late 1920s, as a result of industrialization and rapid urban growth, the programs promoting order and legitimacy (such as the New Economic Policy and the liberal Soviet nationalities policy [*korenizatsiia*]) came into conflict. The party then abandoned this search for legitimacy. Since the party in the late 1920s was much stronger than it had been during the revolution and Civil War, it did not need to legitimate itself with the peasants and the non-Russians. Now the party could complete its urban-centered revolution; now it could conquer the countryside.

In a riveting, stylistically masterful, and controversial book, Robert Conquest, Senior Research Fellow at the Hoover Institution and the author of *The Great Terror: Stalin's Purge of the Thirties* (1968), describes and analyzes how the urban-centered All-Union Communist Party waged war against the peasants in the late 1920s and early 1930s. Conquest delineates three phases in this struggle.

In the first, beginning in 1929, the party deported, imprisoned, or executed more than thirteen million of the hardest working and most productive peasants (caricatured as rich and greedy "kulaks" by the party). The second phase involved the collectivization of the peasantry, who retaliated by slaughtering nearly one-half of the cattle and three-fourths of the sheep. The third phase, in 1932–1933, consisted of the Communist party's raising the grain requisitions to impossibly high levels in the Ukraine, the North Caucasus, and Kazakhstan. The result was a drastic loss in grain production and widespread starvation in the Ukraine and Kazakhstan. The Soviet government did not provide any famine relief nor accept any from abroad. As a results, millions starved to death. Conquest recreates the famine in vivid and shocking detail.

The author raises three controversial issues. The first issue concerns his assertion that 14 million died during the war against the peasants. While the Soviet government published the number of livestock casualties, the exact number of human deaths remains unpublished to this day. As a result of the declining birth rate due to urban growth, industrialization, and collectivization, and as a result of the Soviet tampering with the 1939 census, Conquest's figure of 14 million can only be an approximation. Nevertheless, with what little published Soviet statistical evidence there is, Conquest makes an honest attempt in estimating the total number of deaths in the 1929–1933 period.

The second issue involves the specificity of the famine. According to the author, over 80 percent of the famine victims were Ukrainians, and the collectivization campaign was linked with the near annihilation of the Ukrainian intelligentsia. Surprisingly, the author does not provide a clear picture of what was happening in the Ukraine during *korenizatsiia* in order to bolster this link. Conquest would have strengthened his case had he discussed the social consequences of the inter-

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play between the *korenizatsiia* program and rapid urban growth in the Ukraine in the 1920s, when the urban population and the urban political institutions—such as the working class, the trade unions, and even the Communist party of the Ukraine itself—became overwhelmingly Ukrainian in ethnic composition and began to defend assertively Soviet Ukrainian—not All-Union—prerogatives.

The third issue relates to Stalin's role in the famine in the Ukraine. Did Stalin really intend that so many millions die? There is no contemporary documentary evidence to prove this. But there is no doubt that Stalin was primarily responsible for the brutal measures that were ruthlessly enforced by enthusiastic urban cadres in the countryside. Stalin certainly would not have objected to the application of violence to make the masses recognize historical necessity. And it is known that Stalin bore no great love for Ukrainians. According to Khrushchev's speech at the Twentieth Party Congress, Stalin wanted to deport them all (as he deported the Crimean Tatars), but there were too many Ukrainians to do so.

While these are issues that need to be addressed more fully, Conquest develops a persuasive argument in this important and unsettling book. No one can fully understand the complexity of today's increasingly assertive non-Russian demands or the state of Soviet agriculture without reading this book.

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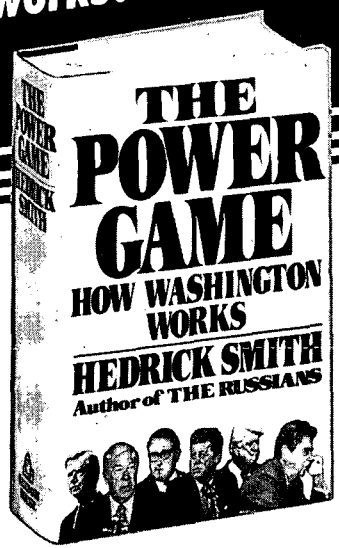

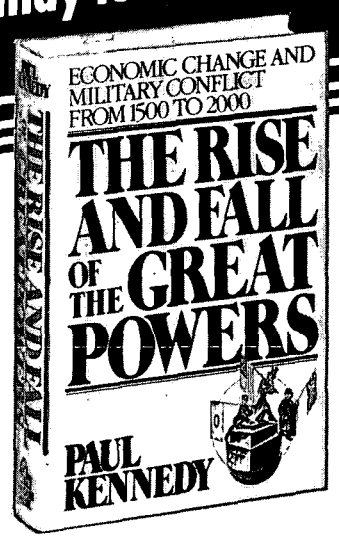

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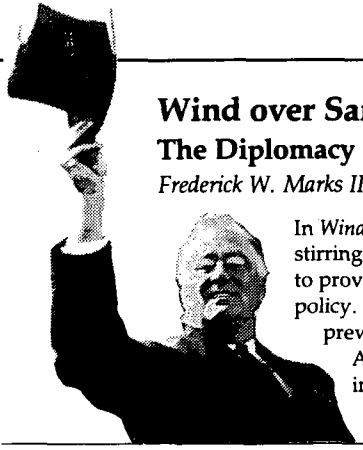

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